Prison: The National Poorhouse *Ronald Goldfarb*

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A Journal of Politics and the Arts — November 1, 1969, 40 cents

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Nixon's the One *The Editors*

The Weighty Acheson *Alex Campbell*

Symphony Strikes *Robert Evett*

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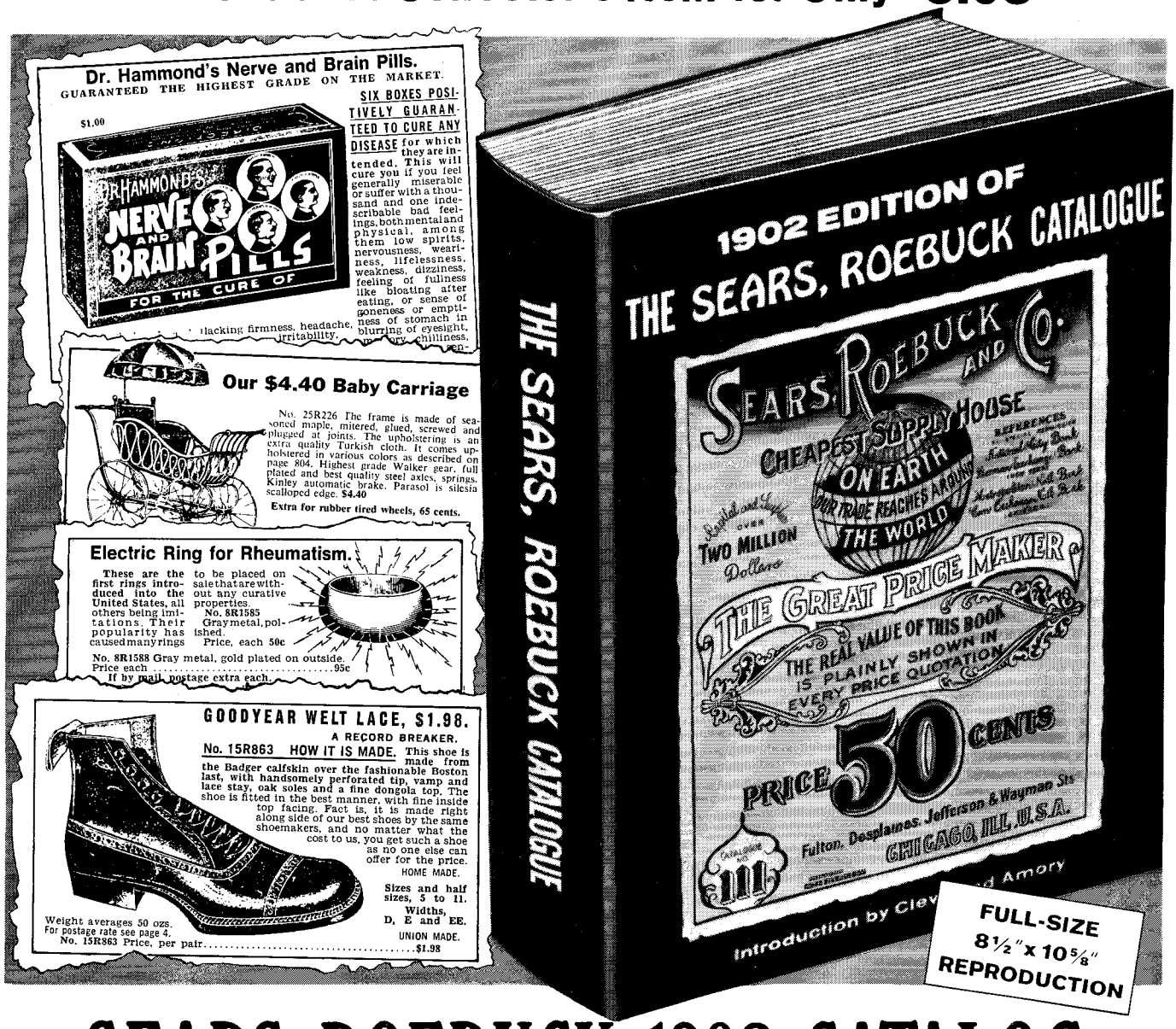
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...Of "imitation all-label" clubs. For example, Records Unlimited is secretly owned by...Columbia Records! They don't send a "master LP catalog" with all labels (we send one with over 15,000 listings on all labels). Their announcements stress Columbia products and they charge extra for many other labels. (We have no "parent" company telling us what label to push and there is never an extra charge for any label.) And, they don't offer any tapes at all! So beware of imitators. We are still the only major record and tape club NOT OWNED OR CONTROLLED BY any record or tape manufacturer.

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We are the only major record and tape club NOT OWNED...NOT CONTROLLED...NOT SUBSIDIZED by any record or tape manufacturer anywhere. Therefore, we are never obliged by company policy to push any one label, or honor the list price of any manufacturer. Nor are we prevented by distribution commitments, as are other major record or tape clubs, from offering the very newest records and tapes.

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WHEREVER YOU LIVE...

. . . you have a stake in rural America.

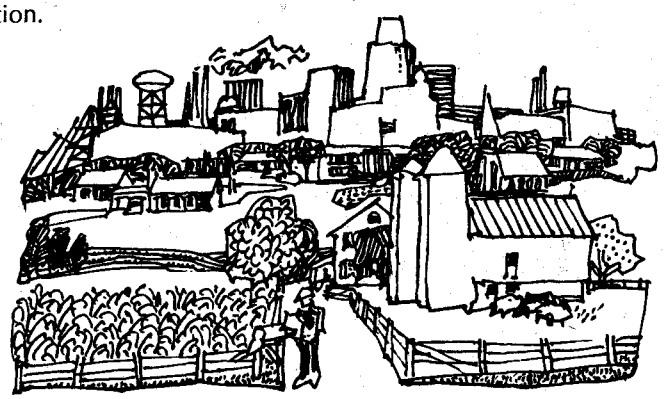
Fifty years ago our nation was half rural, half urban. Now 70 percent of our people are crammed on to just one percent of our land.

Through the years, as millions have deserted the countryside in search of a better life in the city, problems have been heaped on problems.

And what have we got today? Smog, pollution and traffic jams in the cities. Abandoned farmsteads and empty stores in the country. And economic and social ills in both. We could have planned more wisely.

Now is the time for us to decide on our national policy . . . what we want our country to be like 30 years from now when we'll have 100 million people added to our population.

We must decide if we want to go on piling more and more people into small amounts of space . . . or if we want to provide a better balance of opportunity . . . creating more jobs and building community facilities where millions want to live, work and play . . . in the countryside.



The consumer-owners of America's nearly 1,000 rural electric systems call upon our President, our Congress, and our country's leaders to adopt AN AGENDA FOR RURAL AMERICA — a national agenda relevant to the total welfare of our nation . . . relevant to the future . . . relevant to the great potential of America's spacious countryside — **with these priorities.**

• We urge the President to appoint a National Coordinator for Rural Community Development . . . and we urge consolidation and upgrading of existing community development programs now administered by many different Federal agencies.

• We urge development and implementation of programs to meet the following urgent problems of rural America and its people:

Rural Housing. Over half the nation's substandard homes — more than four million — are in rural America. Many who live in these homes are old. Many are poor.

Community Facilities. Nearly 30,000 rural communities are without adequate water systems . . . about 45,000 without sewer systems. Thousands lack medical centers, libraries, good schools, recreation programs.

Jobs and Training. Few of the nearly 14 million new jobs created in the last 15 years were in rural America. And rural unemployment figures in many areas run nearly 18 per cent, compared to a national average of about four per cent.

Low-Cost Credit. The effects of high interest are most sharply felt in the countryside where there is a chronic shortage of capital for housing and community and industrial growth.

Action *now* on this AGENDA FOR RURAL AMERICA will lead toward the solution of many of our nation's ills — in the cities and in the rural areas. The urgency of these problems demands the best efforts of us all, acting together with Federal, state and local governments, as well as the private organizations in urban *and* rural America.

Across the land, the members, directors and employees of the nation's nearly 1,000 consumer-owned rural electric systems are providing leadership in their communities . . . leadership to develop central water systems, start housing programs, spearhead drives for community colleges and recreation projects, and much more. And all the while rural electric systems continue to supply low-cost, dependable electric power to even the most remote areas.

But the welfare of America — all America — is everyone's responsibility. So, wherever you live . . . whatever you do . . . whoever you are . . . you, too, have a stake in rural America.

AMERICA'S RURAL ELECTRIC SYSTEMS

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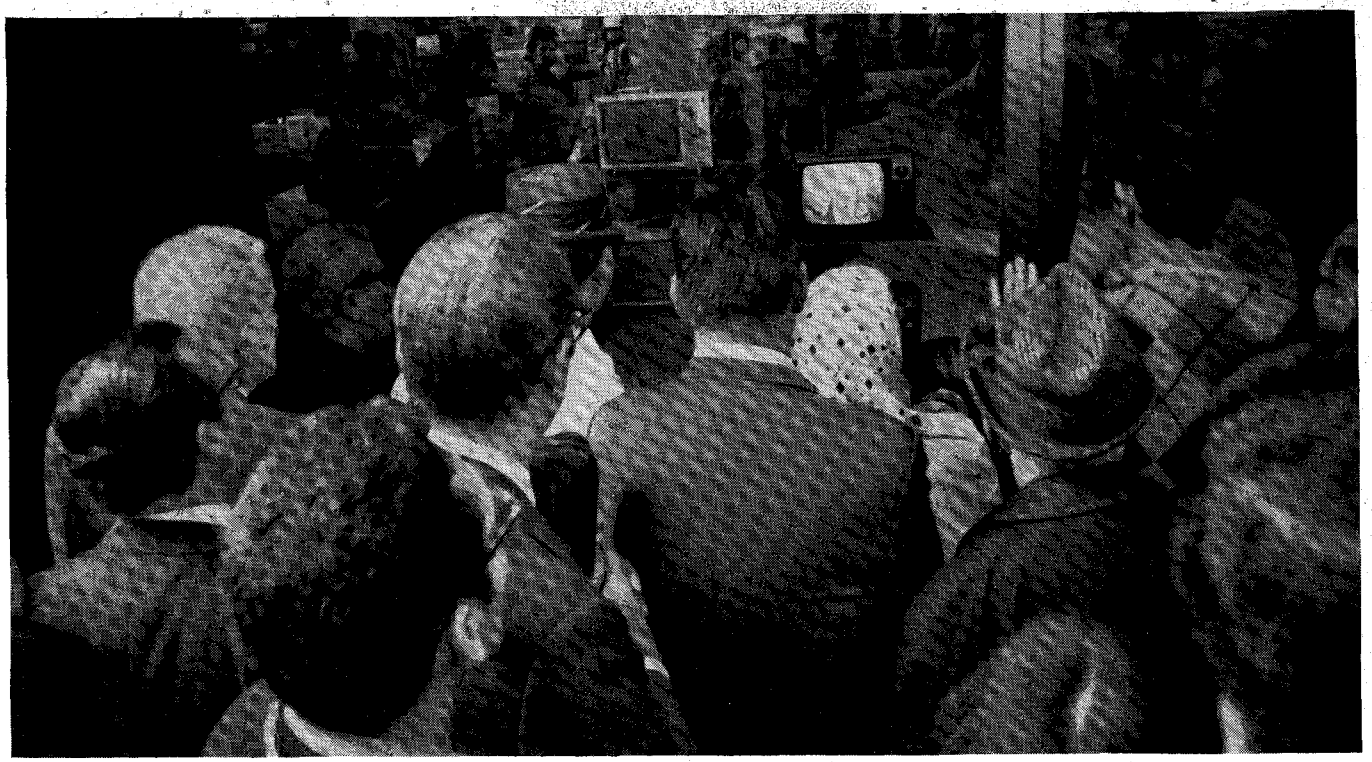

"May you live in interesting times."

A Chinese malediction.

Ah, the mixed blessings of living in a hectic world. And knowing about it.

Take your pick—the new politics, youth rebellion, pollution, space, nuclear confrontation, wars, inflation, civil rights.

Nowhere is it written that we have to be overjoyed at having all this bearing in on us. Except, we're a lot better off knowing than not knowing about it.

Today, television has changed the process of knowing. It has exposed more of us to what's happening in our own backyards. And in the backyards of the world.

November, like every month in this life of ours, is going to be interesting. Some of the reasons why are in this partial list of programs. And what is unpredictable—pleasant or not—we'll show you too, because you have the right to know.

Discovery. The Young Oceanographers; The Thundering Waters of Niagara; Lights, Cameras and Underwater Adventure; The Strangest Mammals of All; The Great Salt Lake. Sundays, Nov. 2, 9, 16, 23, 30 (11:30-12 Noon).

Directions. Job; Gandhi; Prodigal Son; The Nun—Parts 1 and 2. Sundays, Nov. 2, 9, 16, 23, 30 (1-1:30 pm).

Wild Kingdom. Summer of the Badger; Beneath Kilimanjaro; Return of the Salmon; Wildfire!—Parts 1 and 2. Sundays, Nov. 2, 9, 16, 23, 30 (7-7:30 pm).

A Conversation with Dean Acheson—Part 2. CBS News Special with the former Secretary of State. Tuesday, Nov. 4 (10-10:30 pm).

Sinatra. Frank Sinatra, in a one-man show, reviews his career. Wednesday, Nov. 5 (9-10 pm).

Roberta. New production of the musical comedy, starring Bob Hope, Janis Paige, Michele Lee, John Davidson. Thursday, Nov. 6 (8:30-10 pm).

An Evening with Julie Andrews and Harry Belafonte. Musical-variety directed and choreographed by Gower Champion. Sunday, Nov. 9 (9-10 pm).

Hey, Hey, Hey—It's Fat Albert. Animated special based on characters created by Bill Cosby. Wednesday, Nov. 12 (7:30-8 pm).

Norman Rockwell's America. Musical-variety special bringing to life the works of artist Norman Rockwell. Starring Jonathan Winters, Dick Smothers and Michele Lee. Wednesday, Nov. 12 (10-11 pm).

The Wolf Men. G-E Monogram Series—Study of the wolf and attempts to save it from extinction. Tuesday, Nov. 18 (7:30-8:30 pm).

The File on Devlin. Hallmark Hall of Fame—Play based on the Catherine Gaskin novel of intrigue. Starring David McCallum, Judith Anderson, Elizabeth Ashley. Friday, Nov. 21 (8:30-10 pm).

Mirror, Mirror, Off The Wall. Prudential's On Stage—Comedy-fantasy starring George C. Scott and Maureen Stapleton. Friday, Nov. 21 (10-11 pm).

How Life Begins. Broad look at reproduction in many species includes filming of a human birth. Friday, Nov. 28 (7:30-8:30 pm).

Simon and Garfunkel Special. Contemporary music and comedy with the singer-composer duo. Sunday, Nov. 30 (9-10 pm).

Regularly Scheduled Programs

Monday through Friday: Sunrise Semester/The Today Show/Captain Kangaroo

Tuesday: First Tuesday (appearing first Tuesday each month)/CBS News Hour

Saturdays: The Banana Splits Adventure Hour/Jambo/G-E College Bowl/ABC's Wide World of Sports

Sundays: Lamp Unto My Feet/Look Up And Live/Bullwinkle/Camera Three/Discovery/Directions/Face the Nation/Meet the Press/Eternal Light/Issues and Answers/Wild Kingdom/The Wonderful World of Disney

Note: This is, necessarily, a partial listing. Time (NYT), titles and casts of these national programs are subject to change. Please consult your station listings; check also for noteworthy local programs.

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Communication Gap

It's said that we should support Mr. Nixon because he's the only President we've got, but it's a lot worse than that; if we didn't have him we'd have Mr. Agnew. Mr. Agnew is Mr. Nixon's life insurance policy. Here's health to the President, then, and boy, do we mean it.

The trouble is, it's hard to know where Mr. Agnew leaves off and Mr. Nixon begins. Mr. Nixon picked him. He assigns dirty little jobs. Was it Agnew or Mr. Nixon speaking when the White House sought to discredit the Moratorium by associating it with support from Hanoi? The *St. Louis Post Dispatch* called it a "mean little maneuver."

Was it Mr. Agnew or Mr. Nixon (or perhaps Attorney General Mitchell) when the Vice President came up with that verbal nifty attributing the Moratorium to "an effete corps of impudent snobs who characterize themselves as intellectuals"? Mr. Agnew's love of the vacuous rolling phrase recalls Warren Harding. We just looked up "effete" and it means what we thought it means; from the Latin "ex" plus "fetus": exhausted of fertility. An odd thing to call some of the lively sponsors; or the middle-aged respectables for that matter; Mr. Agnew had better watch his language.

Nobody takes Mr. Agnew very seriously, of course; he is just the outer symbol of the tough core of an Administration more typically represented by Attorney General Mitchell. The latter is Mr. Nixon's ex-law partner, campaign manager and friend; the strong man of the cabinet. He is into everything at the White House – economics, foreign policy, civil rights, Southern strategy. He is the psychic pillar on which Mr. Nixon seems to lean. He has a formidable face, close-set ears, small tight mouth, commanding forehead (enhanced by baldness), and a prominent Roman nose with rather flaring nostrils. Put him into knee pants and periwig and he could be adviser of Louis XIV. He is not at all unattractive if you share his views which, we believe, include a full scale Union League Club incomprehension of the American poor.

There seems little doubt in retrospect that the Administration quite misjudged the Moratorium; a circumstance revealing an alarming White House communication gap. The people were, and are, aching for Mr. Nixon to lead them, which (we think) he is trying to do. The President's statement, "There is nothing new we can learn from the demonstrations," is really incomprehensible unless you assume that the White House expected lawless mobs. Incidentally, that is the present attitude of some of Mr. Nixon's tough advisers toward the upcoming November 15 march. I do not think I exaggerate to say that they are *hoping* for trouble. It would excuse their former panic, and their feeling that both affairs are really anti-Nixon political maneuvers. Some of those on the far left of the November 15 march, alas, apparently want trouble, too. It would be too bad if the profound gains of the Moratorium were tossed away. (Footnote: The second Moonshot, incidentally, goes up November 14, so we must live through all that again.)

Progress consists of swapping one set of problems for another set. We think we are now doing that both in the Vietnam war and in the war on inflation.

As to Vietnam there can be no doubt of it any longer – the nation wants out. Mr. Nixon, we think, has got the word. There is a strong new movement among Senate doves to give him elbow room. Hubert Humphrey has done the decent thing, as we see it, to tell the President that there will be no partisan stab in the back if he pushes for peace. If there is one consistent thing in Mr. Nixon's own public record it is that he knows which way the wind is blowing. We are hopeful that this is the situation now. As to the once vocal hawks, they seem to have moderated their strange cries somewhat. A few are even covering a masterly retreat with feints and sallies at subsidiary targets, like the effete intellectuals who are impatient at bloodshed, and the unseemly interference of Hanoi in the affairs of a nation with which it is at war.

Change of Tides?

We also think the Administration is getting control of inflation. A little man in a dark suit came out in a basement room in the Labor Department the other day and explained to us thoughtfully that while the cost of living has just jumped for September another one-half percent, nevertheless it was encouraging because the "rate of acceleration of price increases has stopped." For a minute we thought he was talking about Vietnam.

This is an exciting time in Washington. As a connoisseur of capital moods we relish it. It is a bold thing to say but we believe we are just at the change of tides both on Vietnam and inflation. As to the latter, yes, prices are going up; no, things are not apt to be any pleasanter for a time as the country steps out of one set of troubles into another.

Our guess is that we are heading for a recession. The annual rate of economic expansion expressed in real growth is currently under 2 percent, and in the view of Leon Keyserling, is now close to stagnation. As astute Walter Heller put it in a speech here last week, production increase should reach the zero point "sometime this year" and once that is reached the line against recession is very, very hard to hold. Recession? – smaller profits, less business; above all, increased unemployment particularly among the unskilled. It has already jumped from 3.5 to 4 percent.

Here we have the classic conditions for resounding industrial strife. With all the increases in pay the average nonsupervisory worker with a family is actually earning less in real money today than he did a year ago. He is hell-bent on catching up – just as the signals up ahead turn red. It is like the pile-up on a jammed escalator. The walkout on the railroads has been delayed, not averted, and the General Electric workers may be out before long. The Administration has meanwhile announced that it doesn't intend to intervene save in national emergencies. That is the agonizing *laissez-faire* policy Ike tried to follow but without great success. It will sorely try the nation if Mr. Nixon really means it.

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Contents

7-10 Comment
Nixon's the One, Goodell's Deadline, Cyclamates and Cigarettes, Medicine Man
10 Willing to Help – *Harald Malmgren*
12 Making the Case for Haynsworth – *John Osborne*
13 Does It Stand Up? – *Alexander M. Bickel*
15 Prison: The National Poorhouse – *Ronald Goldfarb*
18 "Conventional" Killers – *Eric Prokosch*
22 Theater – *Stanley Kauffmann*
23 Books – Reviews by *Alex Campbell, Richard Dudman, Norman S. Care*
28 Music – *Robert Evett*
30 Correspondence

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Nixon's The One

We've made a mistake," Republican Senator Goodell of New York said the other day. "We know we've made a mistake. And now it's just a question of how long and how we will get out of Vietnam." Some question. And only the Commander-in-Chief can answer it authoritatively. For the next three years, his is the governing word on whether the US keeps a Thieu-Ky regime in business or not, whether we go on staking our national reputation and resources on one's side winning a civil war in Southeast Asia, or not. The President will miscalculate if he figures that withdrawing 50,000 or 100,000 troops over the next year will satisfy public opinion here, or the NLF and Hanoi, or bring about a settlement. For the heart of any settlement is a *political* arrangement that allows the NLF a real part in shaping the future of South Vietnam.

Uncertainty about how far and fast Mr. Nixon is willing to go leaves peace-minded activists pondering how far and fast *they* should go. Shoving too hard, and at the wrong time, will weaken their cause. Yet they have been misled too often to place their trust in good intentions. As of last week, 39,047 Americans had been killed. Those to whom that figure is horrifying cannot shut up shop because the President might on November 3, in his address on Vietnam, give substance to his earlier hope that all troops could be brought home *before* Senator Goodell's deadline – December 1970. If the President does now produce a timetable, if it calls for as prompt a total withdrawal as possible, if he says he will do all he can to assure deescalation, perhaps a *de facto* cease-fire, while the troops are being taken out – then he will deserve at least two cheers and a respite from protest. Senator Fulbright, for one, is willing to suspend judgment, briefly. The open hearings on Vietnam that were scheduled for this week by the Senate Foreign Relations Committee have been postponed, though not cancelled. Secretaries Laird and Rogers begged off from testifying until after the President speaks on November 3. That seems fair. But if Nixon again waffles; if he repeats that we are committed to self-determination in the South (the determining influence being American); if he once more pledges fidelity to the Thieu-Ky regime, come whatever; if he promises little else than partial withdrawals, accompanied by substantial and continuing reinforcement of an anti-Communist Saigon government by dollars and weapons – then the

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American people will know they are being conned. While waiting to find out, the antiwar movement moves into a somewhat new and uncertain phase. The fall demonstrations begin to look like a tag relay. Sam Brown and his Moratorium band of renown did their thing October 15. Now another group, the new Mobilization Committee to End the War in Vietnam, calls for bigger demonstrations in November – three days instead of one, a student strike instead of a "suspension of business as usual," a march against death in the place of tolling bells and candlelight processions. The change in leadership and program brings a shift in style. Sam Brown, David Mixner, Marge Sklencar and David Hawk (the Moratorium's representative on the Mobilization's steering committee) are practical and low key. They aim to enlist as many recruits as they can. The Moratorium had a single, unifying objective – withdrawal – and no talk was wasted on refinements that divide. The word "moratorium" rather than "strike" was chosen. It was less threatening.

For the moment, Brown and his friends are lying low, though encouraging local initiatives in November. They will let the New Mobilization take responsibility for November 13-15, during which a 40-hour, single-file march will proceed from Arlington cemetery, past the White House to the Capitol. Each of 46,000 hoped-for participants will represent a soldier killed in Vietnam, or a destroyed Vietnamese village. Then, at noon on the 15th, a more massive national march will go from the Capitol to the Ellipse for a rally. Sam Brown expects the supporters of the October 15 Moratorium "will be participating," in Washington and in San Francisco. He and his principal colleagues have kind words for what they trust will be a "legal, nonviolent demonstration." But they want no credit or blame.

The New Mobilization is an outgrowth of the organization which stage-managed the descent on the Pentagon in October 1967. Spokesemen for the New Mobe, as it calls itself, enunciate two "principles": nonexclusion and nonviolence. Their coalition includes no window-smashing Weathermen, but some Communists, and the W.E.B. DuBois Club, the American Friends Service Committee, members of the Urban Coalition, Institute for Policy Studies, SANE, Women Strike for Peace, and others. David Dellinger, editor of *Liberation* and currently a defendant in the Chicago "conspiracy" trial, is a co-chairman. So are Douglas Dowd, a Cornell professor; Terrance Hallinan, a lawyer for the Presidio 27; Donald Kalish of the Southern California Peace Council; Stewart Meacham, American Friends Service Committee; Sidney Peck, professor at Case-Western Reserve University, and Cora Weiss of Women Strike for Peace.

These people are in the main older than the Moratorium "kids," whom they endorsed and who endorse them. Their rhetoric is more biting ("Mr. Nixon has no intention of ending the war, but merely of changing assignments between the United States and its Puppet Allies"); their leaders are more recognizably from the militant left. As a group, the New Mobe advocates a halt to military action on the ground and in the air; withdrawal of US troops, equipment, and bases; an end to support of the Thieu-Ky government. As individuals, they are pushing other objectives as well. Sidney Lens, for instance, would have the US totally disarm and stop aid to "42 dictators" around the world. It remains to be seen whether the Mobilization can attract the widespread participation that distinguished the October 15 Moratorium.

Regardless of what happens on November 13-15, however, the movement to disengage cannot be aborted – unless the President so chooses. Nixon's the one who can stop, or at the very least blunt, popular resistance to the war. Whether he will do it, and how, will be better known on November 4. For the moment, the Senate, the Moratorium, The New Mobilization draft contingency plans. If by then Mr. Nixon hasn't made up his mind, or chooses to do what Johnson did, but tries to do it for less – to cut the political costs but not the objective – then again public opinion will be mobilized and demand that the President summon up the common sense to get out.

Goodell's Deadline

The junior senator from New York, Charles E. Goodell, has 17 well-smoked pipes, five well-loved young sons, and ambition. This last can be either vaulting or virtuous; Shakespeare played it both ways. Does Goodell? An October Gallup Poll showed 57 percent of Americans agreeing with this ex-hawk's anti-Vietnam resolution. Goodell's apparent conversion is as dramatic as Saul's on the road to Damascus; one minute a hawk, the next, bingo! let's get out. The Goodell resolution seems unequivocal. It takes the form of a proposed "Vietnam Disengagement Act," to withdraw "all American military personnel from Vietnam on or before December 1, 1970." Retention even of noncombat training personnel in Vietnam after that date would require special legislation. Further, Goodell asks Congress to tie the Administration's hands with the purse strings Congress controls: "no part of any amount authorized to be appropriated under any Act shall be used after December 1, 1970, to maintain military personnel of the United States in Vietnam."

As a result, Republican Goodell is in trouble with his party chieftains, including Governor Nelson Rockefeller, the man who appointed him to his Senate seat after Robert F. Kennedy was killed last year. Some New York Republicans want to run Goodell out of the

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Senate when he comes up for election a year from now. Goodell annoyed Defense Secretary Melvin Laird by citing Laird's July 17, 1967 speech on Vietnam to support his anti-Vietnam stand. Laird had said he was a "pessimist about the war" because there was little hope of the South Vietnamese army being able to stand by itself, and "if this remains the ultimate prospect of all our sacrifices in Vietnam, no American in good conscience would want to support anything more than an immediate unilateral withdrawal of troops before another drop of American blood is needlessly spilled." Of course, Laird has since changed his mind. On October 8, the Secretary told an AFL-CIO gathering in Atlantic City, N.J., that giving Saigon more combat responsibility was "a new course that we believe has the best prospect for ending American involvement."

Goodell's resolution has vaulted him ahead of Vietnam doves like Senator Hatfield, who "hopes" for total withdrawal by the end of next year; Senators Cranston and Moss, who favor getting out of the war as fast as the safety of the American forces will allow; and Senators Case and Hartke, who favor withdrawal of all combat units as soon as possible but apparently feel they must leave the timetable to the President. That is precisely where Goodell disagrees. His resolution insists that "the loss of American lives in Vietnam can be halted only by establishing a clear timetable."

Goodell's stand has won him the support of the Ripon Society (for giving President Nixon "needed leverage in our negotiations with Saigon") and has made him an overnight hero on campus. If his intention was to gain exposure, he has succeeded. Had he merely continued in the Senate on the political course he plodded through the 87th, 88th, 89th and 90th Congresses, nobody would have heard of him outside of New York State where he looked like losing next year to a dovish Democrat, maybe Arthur Goldberg. This can still happen, but Goodell's Vietnam resolution could throw a Democratic opponent off balance. And although the Senator's Vietnam views have irked Governor Rockefeller, the Governor may decide that in his own gubernatorial contest he needs Goodell. Mr. Rockefeller too can read Gallup polls.

What nags some people who are by no means averse to Goodell's resolution is his past performance. While in the House, Goodell supported Vietnam spending and opposed spending on model cities, anti-poverty, housing and rent supplements, foreign aid. He opposed enlarging the Rules Committee which was blocking liberal legislation, and was for weakening voting rights legislation. He wanted to nullify the Mallory Rule, but supported the unconstitutional Tuck bill, which proposed depriving the federal courts of jurisdiction over legislatures' reapportionment. In the 90th Congress he sought to deny loans and grants to students who "disrupted" their college administrations, which may surprise his fans on campus. "In private conversation," one mystified friend recalls, "he was even more conservative than those public positions suggest. And on Vietnam he was a big hawk."

In the Senate only a year, Goodell has moved nimbly toward the other end of the political spectrum. He opposes Judge Haynsworth's appointment; he voted against Otto Otepka's appointment to the Subversion Control Board. He still opposed funds for the OEO and Job Corps, but also opposed funding ABM deployment, favored free food stamps for very poor families and lower-interest loans for students.

Cyclamates and Cigarettes

The cyclamates business was peculiar to a society that can afford products without function. Advertising implied that diet drinks satisfy appetite, thus reduce weight, but no one proved it. Cyclamates may, however, as HEW Secretary Finch concluded when he ordered cyclamate products off the market, cause cancer; at least they do in lab rats when injected in doses approximating 50 times normal human consumption. It seemed tenuous grounds for an action of such apparent sweeping economic and psychic consequences. Cyclamates have been on the market for 19 years.

Whether Secretary Finch was doing a favor for the sugar lobby or the saccharine faction, or slapping the hand of the Food and Drug Commissioner who serves under him and had been rather equivocal about the hazards of artificial sweeteners, or what, we don't know. The stated reason was a provision in the amended Food, Drug and Cosmetic Act which prohibits use of food additives that cause cancer in animals. The action also, of course, made FDA vulnerable to the suspicion that other of the proliferating food additives on its "Generally Recognized as Safe" list might also be suspect. The FDA is looking into that.

The affected cyclamates industry has shown its resilience. Companies that make cyclamates have other things to do; they won't go out of business. The inventor (who also worked on mustard gas and DDT) signed over rights to his find to duPont years ago. By discontinuing the use of cyclamates, the food industry now has something else to promote, "cyclamate-free" products – principally dynamic combinations of saccharine and sugar – which will keep the frivolous business going. Diet Pepsi, readers learned from two full-page *New York Times* ads last week, will in future taste more like Pepsi than before.

The cyclamates decision is most notable for what it reveals about the arbitrariness of bureaucracy. Cigarettes, in contrast to cyclamates, are *known* carcinogens, in man *as well as* animals. Yet the Agriculture

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Department, as a matter of policy, subsidizes the advertising of US tobacco abroad. Congress can't enact a suitable packaging and advertising warning. The networks had to be ordered to broadcast antismoking messages. No one in Congress or HEW has the guts to suggest cigarettes be banned.

Medicine Man

The Commander-in-Chief rarely appears on the economic front where his generals, Arthur F. Burns, Paul McCracken and Herbert Stein, fight inflation. However, on October 17 Mr. Nixon went on the air to announce virtual victory, and with minimum hardships. Oh, there may still be a battle, here and there; but essentially, we've won. High prices are about to decline. "Many people" had suggested a strategy of frontal attack, but this would have been "harsh and unnecessary." Instead, the Administration for the past nine months has moved "step by step." It ordered selective cuts in government spending, held up the tax rate, and made it tough for people to get loans. These steps, the President conceded, were unpopular, but the Administration unflinchingly went on doling out the "bitter medicine," believing "that the American people are mature enough to understand the need for it." The Administration will have nothing to do with un-American restraints on business and labor, like price and wage controls. Even to consider such controls would be to "turn away from treating basic causes to start treating symptoms alone." When you are ahead, said the President, you don't "change your game plan."

The New York Times was unkind enough to say that Mr. Nixon had discussed economic problems in a way that sounded at times like a Dick and Jane reader. Actually, he sounded more like Frank Merriwell. But the question is, is "the bitter medicine" working? The over-all price level rose by about five percent this year, unemployment by much more. This anomaly may continue into 1970. The Administration anticipates that business may go on trying to raise prices, that labor unions will continue to press wage demands; the Secretary of Labor, George Shultz, expects "a lot of tension" and strikes. Nonetheless, Mr. Nixon seems confident that the high tide of prices is on the ebb; companies and unions that try to buck the trend are going to find themselves high and dry.

The basis of the President's faith in his medicine is that while prices have gone on rising, and may do so for a bit longer, the output of the nation's factories, mines and utilities has fallen in recent months. What the Administration is saying, in effect, is that the country is producing less of everything, save new super-weapons. Therefore, runs the reasoning, prices are bound sooner or later to start coming down, especially as orders and production are beginning to fall off. Looked at in this way, the President's satisfaction could be interpreted as extending a welcome mat to recession – which business might not find wholly undesirable as a way to block awkward new wage demands. "A recession might be just what it takes to shake workers," the *Wall Street Journal* quoted one businessman as saying. Mr. Nixon himself remarked that "unfortunately, some industries and some individuals will feel the necessary adjustment more than others." Paul McCracken, chairman of the Council of Economic Advisers, put it more brutally: "Everyone does not have an equal risk of being unemployed."

But Mr. Nixon is above all a politician, and his party has hopes of capturing the Senate in the congressional elections next fall. Not if he can help it will the President cause Republicans to enter that contest amid rising unemployment, maybe coinciding with prices that are also still rising. Recession – or rather, two Eisenhower recessions in a row – helped lose Vice President Nixon the election of 1960. These recessions were induced by a Republican economics of insensitivity. Mr. Nixon is aware of that. So is Arthur Burns, who as Eisenhower's principal economic adviser fought a losing fight for a more flexible policy, against men like Treasury Secretary George Humphrey. Simultaneously with appearing himself on the inflation front, Mr. Nixon appointed Burns to head the Federal Reserve Board. If unemployment grows toward five percent, the new Fed chairman may prescribe a credit laxative. However, money manipulation can be even trickier than price and wage controls. Fed chairman McChesney Martin accidentally promoted inflation last year, by easing credit too soon. The war isn't won yet.

Willing to Help

Foreign aid is in more trouble than ever before. Official government aid, worldwide, increased rapidly from 1956 to 1961, then slowly through 1967, and has been declining since. The drop in US disbursements in the next two years, because of congressional cuts in authorization, will be a leading element in the slide downward. The American people are turning inward, becoming more aware of their own problems. They are annoyed and impatient, too, with the seemingly meager results of aid. Paradoxically, the developing countries now have the possibility of real economic progress in the next few years, *if* aid can be stepped up.

Confronted with this paradox, Robert McNamara, president of the World Bank, set up a special commis-

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sion, under the chairmanship of Lester Pearson, to study the problems of poor countries. It spent a year examining the problems (and the progress) of aid programs. Finally, it has issued its report, *Partners in Development*, and it is a landmark.

Its basic political theme is that the donor-receiver relationship between rich and poor countries is obsolete, for it leads to mutual recriminations, frustration and inefficiency. "Aid for development," it says, "does not usually buy dependable friends. An aid relationship is difficult in the best of circumstances. It becomes untenable if conditions requiring political support are attached to it." But are there better ways in which rich and poor can work together, without reducing even further the performance of the poor countries? The Commission says yes – *if* we have a new kind of multilateral framework, with increased responsibilities for international institutions. The idea is not new. "In its present bilateral form, foreign aid," Senator Fulbright wrote in *Arrogance of Power*, "though composed principally of interest-bearing loans, is run as a kind of charity, demeaning to both recipient and donor. In addition, it is becoming a vehicle for deep American involvement in areas and issues which lie beyond both our vital interests and our competence. For these two essential reasons, . . . I propose the transformation of aid, through internationalization, from private charity to community responsibility, from a dubious instrument of national policy to a stable program for international development."

The report can thus be read as a victory for Fulbright and those who share his view. But where Fulbright fell short was in not mapping out a plan for handling that world aid (90 percent) which now *is* bilateral, and in not giving us a clearer idea of how we might convert other countries to internationalization. France, for example, openly conceives of aid as an instrument of national cultural and political influence. Japan sees it as a bilateral commercial instrument, as well as a gesture to Asian development. The genius of the Pearson Report is that it does not demand an either/or decision, but rather an international framework within which bilateral programs could continue. It does call for putting a greater share of aid into multilateral channels – 20 percent instead of 10 percent – but doesn't argue that bilateral aid be abandoned.

The strategy is to mesh bilateral aid with international assessment of performance, an assessment made on the basis of internationally determined standards, so that national programs work in concert and not in conflict. For example, *Partners in Development* suggests that while the giving of assistance be conditional on performance, performance should be measured not by the giver alone, but by a group of donors and recipients, meeting together to evaluate each other's programs. It is a workable scheme. It might be done by existing international bodies, or by new ones. Poor countries would not then have the incentive they now do to band together to defend each other's deficiencies. On the contrary, each would wish to dramatize how well it had done, and how poorly the others had, so as to justify a larger share of aid. The donors would be under the gun to justify – on economic and not political grounds – reductions, suspensions, or qualitative changes in their programs. The recipients would be able to take home advice that comes not just from the rich giants, but from their own colleagues among the poor as well. If a developing country had to pay a political price for sound development policies, that price could be blamed on the world economy, not on pressures from any one rich benefactor.

The World Bank, its International Development Association (which handles loans on easy terms), regional development banks, and regional consulting groups would work together and with the International Monetary Fund and UN agencies. However, bilateral programs and the cadres of civil servants and technical advisers who administer them and provide technical help, would continue. Bilateral policies would necessarily become less politically oriented. There would be less bilateral involvement in the day-to-day affairs of the recipients. International bodies would be acting as intermediaries. Yet, countries (and politicians) wishing to preserve some bilateral image could be satisfied.

Taken individually, most of the report's economic proposals are conservative. Together, they make up a grand scheme, not to be realized next year, but reachable with a little time and sufficient political will. The *will* is the key.

Trade prospects of the poor countries are not good. Their share of world trade is declining (30 percent in 1948, now 18 percent). They are threatened by new protectionist restrictions (the current US government push for textile import quotas is a prime example). Their debts are growing so fast that, on present trends, the flow of debt repayment will exceed the flow of new loans to them by 1977. Private investment will not reach them in sufficient quantities; even if it did, the political consequences of being overwhelmed by outsiders would be intolerable to most poor countries. Clearly, official government aid has to be increased, by about 0.7 percent of national GNP, according to the report. For the US this means *raising* official aid about 13 percent a year, up to $8 billion in 1975.

If the rich countries together can meet this official aid target, the Commission believes that the majority of poor countries could grow at about 6 percent per year, and that they could be self-sustaining by the end of this century: no miracles tomorrow, but a real prospect of independent economic progress within the lifespan of the majority of the populations of the rich

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countries today. This target may be too optimistic, but the Commission does not believe it. If this is not possible, we face a series of political disruptions of frightening proportions.

In late September the President established his own commission to re-examine our foreign aid objectives and policies. He asked it to study the Pearson Report as a point of departure. Its conclusions, and Mr. Nixon's proposals thereafter, will show us what he means by a more detached, but supporting relationship, with Asian nations. If the US is to help those Asian countries, while becoming less tied up in their day-to-day politics, the means lie in a strategy of the kind put forward by the Pearson Commission.

Harald Malmgren

The Nixon Watch

Making the Case for Haynsworth

From 11:18 to 11:45 the morning of October 20, President Nixon showed himself, in person, to White House reporters in his Oval Office. There were no cameras, no microphones, no tape recorders, not even the Signal Corps recorder that is usually at work in case the stenotypist misses something said at White House briefings for the press. There were just Mr. Nixon, his press secretary standing off to one side, White House Counsel John Ehrlichman slouched in silence on a sofa at the rear, and some 40 reporters standing in front of the President's desk, facing him. This had happened only once before, on the morning after the President nominated Warren Burger to be Chief Justice of the United States, and that had been a very different occasion. It had been preceded, the evening before, by a great nomination show on national television, and the President had called in reporters to discuss his choice, and brag about it a little, confident that no serious objections would be raised to it. He said now that he had called us in to discuss "the Haynsworth matter," a Supreme Court nomination to which serious and possibly decisive objections had been raised.

It occurred to me, watching Mr. Nixon and hearing him out, that the critical differences between this nomination and the previous one must have been apparent to the President since August. He was vacationing in California then. His nominee, Judge Clement F. Haynsworth Jr., had remained at his home in South Carolina and the President had remained secluded in his office at San Clemente when the nomination was announced with a written handout. They talked by telephone that day, and that was all – because, it was suggested then, Judge Haynsworth stammered slightly and would be uncomfortable at a joint appearance. They were said to have never met, certainly not during Nixon's presidency, and the President, disclaiming any "political obligation to select Judge Haynsworth," was able to say on October 20 that "if he would walk into this room, I am afraid I wouldn't recognize him." This he said, in a manner and a tone indicating that he thought he was making a crucial point about a judge of whom he also said: "I have read the income tax returns, the financial statements, all the charges . . . I find that Judge Haynsworth is an honest man. I find that he has been, in my opinion as a lawyer, a lawyer's lawyer and a judge's judge. I think he will be a great credit to the Supreme Court, and I am going to stand by him until he is confirmed. I trust he will be." The President was standing behind his desk. His hands – you learn to watch the Nixon hands – at this moment were clasped over the top edges of his black reclining chair, not tightly as they so often are clasped, but loosely. Never once during the 27 minutes was he seen, as he often is, to halt his hands in mid-course from back to front, from belt to chin level, tips touching, and hold them rigid while he *thinks* – what to do with them next? Here, we were entitled to suppose, was the Nixon who impresses his friends, his staff, his Cabinet associates with his sincerity, his competence, his command of himself. Here, too, was Nixon under stress, putting himself and his judgment, his standards of honor and judicial ethics on the line for a Supreme Court nominee who was in bad trouble along with, as Nixon now said, "the President of the United States who nominated him in the first place."

A few things, little things, marred the performance. One of them, we were asked to believe later, was not the President's doing. The transcript, the record for history and the one that appeared in newspaper texts, was imperfect because (we were told) the stenotypist

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didn't hear all that was said. The President, referring to Judge Haynsworth's embarrassing and extensive stock portfolio and a suggestion that he and other judges put their holdings in trust, said he thought it was better to "own nothing but real estate," as Mr. Nixon did, unless – wryly – the real estate happened to be near a government installation. This reference to his new California estate, conveniently adjoining a Coast Guard station, is not in the transcript. Nixon said that even if Judge Haynsworth asked that his nomination be withdrawn, "I would not let him do it." The permanent record has it that the President himself "would not do so." A reporter asked Nixon what he replied to people who said that he had "selected Haynsworth in large part because of political obligations to Southerners and conservatives." The record omits "to Southerners and conservatives." Nixon replied as if he hadn't heard that part, either, reducing the question to whether he had or hadn't known Haynsworth.

The President over-reached in other ways, so minor that they went largely unnoticed in the news accounts. He referred twice to "Judge Marlow Cook," meaning the freshman Republican senator from Kentucky who is leading the Senate defense of Haynsworth. "He was a judge before be became a senator, as you know," Nixon remarked by way of adding to Cook's authority in the matter. Marlow Cook was a county judge, in Kentucky an administrative and not a judicial office. Nixon picked out and made absurdly much of two petty items from Senator Cook's massive refutation of charges that Haynsworth had let his investments affect his judicial decisions. One of the items concerned the 1000 shares of Brunswick Corporation stock that Haynsworth bought while a trivial case involving that company was before his court. Nixon solemnly quoted Cook to the effect that if the entire benefit from the favorable decision had accrued to Brunswick stockholders – which, as Cook had said, could not have happened – "Judge Haynsworth would have profited by $5 at the most, probably $4.92, the exact figure." Using the same standard in another case, Nixon said that "Judge Haynsworth's stock would have been reduced in value by 48 cents as a result of the decision that he made." The serious question was whether a judge who is fitted for the Supreme Court would have bought the Brunswick stock when Haynsworth did. Nixon skipped it.

The President showed himself in better though hardly unassailable form when he dealt with two other issues raised by the Haynsworth affair. They went, as he put it, "to what senators should consider as they determine whether to confirm a judge for the Supreme Court, or, for that matter, any court." A nominee's judicial philosophy, he said, is not "a proper ground" for acceptance or rejection by senators. He recalled that Louis Brandeis ("among my heroes of the Court") was almost voted down by senators who thought him "too liberal." Charles Evans Hughes was all but denied confirmation "because he was too conservative" and because, "like Judge Haynsworth," he had represented various business interests. In part and properly, however, Nixon had selected Judge Haynsworth for the Supreme Court because he "had a philosophy for the Constitution similar to my own because that is what a President is expected to do." He elaborated in terms that will be remembered in connection with him and his Presidency, regardless of how the Haynsworth matter comes out: ". . . if Judge Haynsworth's philosophy leans to the conservative side, in my view that recommends him to me. . . . It is the Judge's responsibility, and the Supreme Court's responsibility, to interpret the Constitution and interpret the law, and not to go beyond that in putting his own socioeconomic philosophy into decisions in a way that goes beyond the law, beyond the Consitution." He had begun to "balance" the present court against that tendency with the Burger nomination, and he said now that he proposed to balance it further with the Haynsworth nomination. No senator, the President was saying, should oppose the nomination because he didn't think the Court should be "balanced" that way.

The other issue was whether "the appearance of impropriety . . . is enough to disqualify a man." Mr. Nixon may be read in his total remarks to have argued that "the appearance of impropriety" in Judge Haynsworth's case had been demolished. But he didn't say that at this point and in so many words. He said that this standard "would mean that anybody who wants to make a charge can thereby create the appearance of impropriety, raise a doubt, and that then his [a nominee's] name should be withdrawn." It was one of the elisions, one of the flaws, in a generally impressive and fascinating performance that left me wondering whether Mr. Nixon is as certain about Clement Haynsworth as he tried to appear to be.

John Osborne

Does It Stand Up?

Mr. Nixon is the first genuine lawyer-President in over half a century, with the ambivalent exception of FDR – and his professional skills were in evidence as he insisted on the nomination of Judge Clement Haynsworth for the Supreme Court. Mr. Nixon makes the strongest case possible for confirmation. But lawyers are often better than their cases, and the Haynsworth case is ultimately weak.

The President's basic argument is that Judge Hayns-

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worth is a competent – Mr. Nixon thinks a good deal better than competent – lawyer, that his ideological leanings are congenial to the President, and no concern of the Senate, and that the charges of misconduct that have been leveled against Judge Haynsworth have in no instance been supported by proof of dishonesty, impropriety or even the appearance of impropriety. The emphasis, of course, is on the charges of misconduct, and the President says that in no case in which Judge Haynsworth sat was there the remotest showing that he had improperly used his influence in a party's behalf, or that he was in any way himself improperly influenced in a party's favor. Judge Haynsworth's choices whether to sit or disqualify himself in various cases where he was alleged to have an interest conformed to standards established by law and by canons of judicial ethics. He is an honest man, the President says, and his integrity is above suspicion. To withdraw the nomination in these circumstances would be unjustifiably and cruelly to "take upon my hands the destruction of a man's whole life, to destroy his reputation, to drive him from the bench and public service."

Judge Haynsworth's honesty and integrity have not been successfully impugned – or impugned at all – and the President is quite right; it would be unfair to drive him off the federal bench. But the Senate is not considering articles of impeachment. It is weighing Judge Haynsworth's qualifications for higher judicial office. The issue is not his honesty, but his ethical sensitivity. No more than insensitivity to ethical standards of judicial behavior was shown against Justice Fortas when the Senate, with no thoughts of driving him from the bench, failed to confirm him as Chief Justice. And no dishonesty, no actual influence-peddling was shown against Justice Fortas even later, in connection with the Wolfson matter, when he was in fact driven from the bench. Just plain honesty and law-abiding conduct are not all we are entitled to demand of men who are to be raised to the highest judicial offices. Judge Haynsworth's trangressions are not comparable to Justice Fortas' in the Wolfson matter, although Justice Fortas' downfall was itself the consequence more of the appearance than the reality of his behavior. But Judge Haynsworth is up for promotion, not banishment.

It is wrong for judges to serve as corporate officers. The Judicial Conference said so in 1963, when it was discovered that some federal judges did hold corporate office. Most did not, of course. Judge Haynsworth was one of those who did, and he quit only when he was told to. Senators who oppose Judge Haynsworth's nomination are right to think that it would be better to have on the Supreme Court men who don't need to be told. It does not follow that they must also wish to banish Judge Haynsworth from public life.

Judge Haynsworth owned a one-seventh interest in a company, Carolina Vend-A-Matic, which did its business right in his judicial circuit. His initial investment was small, but when he sold it in 1963 (he had been an officer of Vend-A-Matic, and he sold out after he was required to resign) it was worth upwards of $400,000, and apparently constituted about half his personal fortune. More than once, Judge Haynsworth sat in cases involving customers of Vend-A-Matic. The contracts with these customers were sizable; in the Deering Milliken case, $50,000, plus another $100,000, Warren Wheeler reports in *The New York Times*, awarded while the litigation involving Deering Milliken was pending before Judge Haynsworth and his colleagues.

What if a judge owned stock in US Steel, as no doubt some do, says the President, defending Judge Haynsworth? US Steel has many customers. Must a judge disqualify himself in every case involving one? If so, says the President, perhaps half the federal judges "would have to be impeached" because they do not disqualify themselves in such cases. But how many federal judges own one-seventh of US Steel? How many have a sizable investment, constituting something like one-half their worldly goods, in a company actively soliciting business right in the judge's jurisdiction, where the company's customers are almost certain to surface in litigation in the judge's court? Besides, the question is not whether Judge Haynsworth should be impeached.

Judges may own stock, and perhaps they should be allowed to manage their own investments rather than being required to put them in trust and thus to insulate themselves from them. But Judge Haynsworth not only had a heavy investment in a local business – Vend-A-Matic – resulting in an unusual kind of identification on his part with that business even aside from his directorship in it; he had in addition a diversified and active portfolio, which not unnaturally created a series of disqualification problems for him. Possibly he was right in each instance, other than the Vend-A-Matic cases, in which he did not disqualify himself. But was he right in courting these problems by maintaining an active and diversified portfolio?

A judge does not disqualify himself only when he is consciously aware that his interest in one of the parties would influence him. No man knows himself quite that well, and the public ought not be asked to rely on such exquisite self-knowledge. Judgment may be influenced in subtler ways, less apparent on the surface of consciousness, and people – especially litigants – may at any rate suspect as much. The law and the practice that seek prophylactic assurance against bias in decision-makers – administrative and executive as well as judicial – address themselves not only, not even chiefly, to the existence in fact of conscious bias, but to the existence of relationships which may possibly cause bias, consciously or otherwise. The test is the sort of surmise that naturally arises out of general

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human experience, not whether in a given case actual bias can be shown.

Surmises of bias get remoter and remoter, to be sure. It becomes a question of degree, and a difficult one. No judge, not even a pauper, can avoid the problem forever, but it is a judge's duty so to conduct his private affairs that he faces it as infrequently as possible. Judge Haynsworth's Vend-A-Matic connection guaranteed that he would face the disqualification problem in aggravated form, and when, sure enough, he encountered it, he solved it wrongly – not culpably, but wrongly. His active and diversified portfolio guaranteed, moreover, that he would face the problem elsewhere with what one hopes is unusual frequency.

There are two sets of standards of ethical behavior in any profession: a common standard, codified with more or less precision, and a more sensitive standard, which is hopefully the emerging common one. It is desirable to hold nominees for the Supreme Court to the standard of highest ethical sensitivity. In the process, a certain injustice may be done to a perfectly honest man like Judge Haynsworth, who does not quite measure up. This is a price that is paid for raising the general standard. And the injustice, if anything, was inflicted by the nomination. If the appointment fails, Judge Haynsworth may continue to serve honorably where he is. Other judges may, as he has said he will in any event, resort to trusts, buy land, as the President has done, or government bonds, or blue-chip stocks in a few large, impersonal corporations. Disqualification problems will still arise, but more rarely, and not with customers of US Steel or General Motors.

The President was on sounder ground when he urged that senators who disagreed to some extent with Judge Haynsworth's opinions ought not to vote against him for ideological reasons. Ideology is relevant to both Senate and President in the performance of their functions. They are partners in exercising through the appointment process the only available form of direct political control over the Court. When the ideological clash between a nominee and a Senate majority is sufficiently violent, the Senate is well within its rights to reject the nomination, and it has done so in the past. Ideology was one, if only one, of the factors that prevented confirmation of Abe Fortas as Chief Justice.

But President and Senate are partners, and the Constitution gives the President the initiative. If in order to refashion the Court so as to please himself, he were to attempt to move it beyond an ideologically moderate position, senators who are of a different mind ought to resist. But Judge Haynsworth is no reactionary. His civil rights record is centrist, although more cautious than some senators might like. If the Senate demands precisely the ideological profile it would prefer, the appointment process will be in deadlock. Judge Haynsworth should be seen ideologically as falling within that area of tolerance in which the Senate defers to the President's initiative.

The real issue is not judicial philosophy, but ethical standards, and these are equally the Senate's concern as the President's. So the Senate has shown time and again, in passing on nominees for executive offices.

Alexander M. Bickel

Prison: The National Poorhouse

by Ronald Goldfarb

I recently read a fairy tale entitled, "Those Who Do Not Steal" * to my young daughter. It is about a poor man who was caught stealing an old piece of pipe and was thrown into prison. He asked to see the king to offer him a rare treasure, a pit that would grow into a tree that bore golden pears. The king asked the thief why he did not plant it himself. He replied that if the tree was to bear golden fruit it had to be planted by a person who had never stolen or cheated. As a little boy, the king had stolen something from his mother; he could not qualify. The chancellor said he could not because he was prepared to accept bribes. The same offer was made to the commander of the royal army who had reasons why he could not accept it; nor could the supreme judge or the warden of the prison. And so the story ends with the king letting the thief go free.

* From, *The Fairy Tale Tree.*

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To a remarkable extent, we have still in America a dual system of criminal punishment, one public the other private, each operating very differently from the other. Our prisons are, in effect, a public welfare system of corrections for the poor. Those who can afford it have a private and informal corrections system of sorts. Perhaps the most succinct summary comes from Noah Pope, a little known resident-client of the Maryland House of Corrections in Jessup: "The jail is for the poor, the street is for the rich." An analysis by the D.C. Crime Commission concluded that offenders in the nation's capital are "predominantly Negro, male, poorly educated, youthful, products of broken homes and large families, unskilled and erratically employed." Which is to say, poor. Does this mean simply that the poor commit more crimes and perforce end up incarcerated more frequently?

It seems a common insight, if not a provable one, that all transgress but not all – in fact, very few – end up labeled and treated as criminal. Former Supreme Court Justice Tom Clark said that only 50 percent of all crime is reported. That figure was put at 90 percent at recent congressional hearings. One study of 6000 offenses admitted by youths in one area found that only 1.5 percent were "brought to public attention by arrest or juvenile court hearing." And of reported crime, only a very small fraction of the offenders are tried, convicted and go to prison. A survey of 1700 adults without criminal records brought out that 99 percent of those questioned had committed offenses for which they could have ended up in prison. The breakdown of these admitted but not punished offenses is interesting: "Businessmen and lawyers were highest in perjury, falsification, fraud and tax evasion; teachers and social workers in malicious mischief; writers and artists in indecency, criminal libel and gambling; military and government employees in simple larceny; mechanics and technicians in disorderly conduct; farmers in illegal possession of weapons; laborers in grand larceny, burglary and robbery; students in auto misdemeanors."

When upper or middle-class people or their children get in trouble – drunk in public; paternity charges; fights; mischief in the school, neighborhood, country club, resort, downtown; even homicide – ordinarily, private action is quickly taken. The person's problem is analyzed sympathetically, the best treatment sought. Restitution, medical or psychiatric assistance, special educational steps, legal advice are enlisted from the family and community. Alcoholics who comprise about half our jail population are rarely well-to-do; those children with sad faces in our juvenile institutions are not from homes in the affluent suburbs; most of the men and women caught, tried, convicted and sent to prison are poor.

A Berkeley criminologist and author, Professor Richard Korn, criticizing the hypocrisy of a system in which the rich get help and the poor get jail, has urged in a recent report to the Joint Commission on Correctional Manpower and Training that innovative and sympathetic community treatment of offenders should not be viewed as radical or even new. They are no more than what is provided "by the well-to-do on behalf of their deviant members": restitution, medical treatment, special schooling, training, and other sensible alternatives to imprisonment. He went on to say:

"A wholly private and unofficial system of correctional treatment has long been available to the violent scions of the socially fortunate. In every middle-class community there are psychiatrists specializing in the treatment of the errant youth of the well-heeled, frequently with the full approval of the police and judicial authorities. Should private out-patient treatment prove inadequate, there is a nationwide network of relatively exclusive residential facilities outside the home community. Every Sunday *The New York Times* publishes two pages of detailed advertisements by private boarding schools catering to the needs of 'exceptional youth' who are 'unreachable' by means of 'conventional educational methods.' It would be wrong-headed and disingenuous to cite these facts as instances of dishonest official connivance with wealth or privilege. If anything, they reflect an honest recognition that the private, unofficial treatment of offenders is vastly superior to most available public programs. Keeping children out of reformatories is a widely approved and worthy objective, irrespective of whether the children are rich or poor. The scandal lies in the fact that such alternatives are denied to the poor, through nothing more deliberate than the incidental fact of their inferior economic position."

Delinquency rates of college students in Ft. Worth, Texas have been compared with the rates for others who got in trouble. While both groups committed similar crimes, the college group "enjoyed relative impunity." The investigators concluded that: "Whether a man becomes a confirmed criminal may well depend less on what he does to society than on what society does to him. Pranks that cause a college student some uncomfortable moments in the Dean's office may send an East Side youth to the reformatory. Unlawful pos-

COMING: Harry Kalven, Jr. examines the oddities of the conspiracy trial in Chicago

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session of a revolver may result in a warning to a suburban home owner, a prison sentence to a tenement dweller. Taking a sum of money as 'honest graft' in business or public life is vastly different from taking the same amount from a cash register. . . . It is perhaps less important to show that good citizens are not always good than that these same citizens can commit crimes and still become eminent scientists, intelligent parents, leading teachers, artists and social workers, or prominent business executives."

Poor juvenile offenders not only pay more often and more heavily for their misconduct, they end up more frequently in terrible public institutions which their wealthier counterparts ordinarily are able to avoid.

The 1967 President's Crime Commission reported that 90 percent of the youth in America have done something for which they could be committed by a juvenile court. Yet, only five percent of the children in institutions for juvenile delinquency (that would be 20,000 of the 400,000 children in detention at the time of the last national crime commission survey) come from families in "comfortable circumstances."

A 1966 study in Contra Costa County, California for the President's Committee on Juvenile Delinquency and Youth Development tells the story: 48.2 percent of juveniles arrested in California were released by the police after some informal handling and without charges being preferred. But in the upper-middle-class suburban community of Lafayette in Contra Costa County, 80 percent of them were released after arrest. Of the total juveniles arrested in California, 46.5 percent were referred to a juvenile court; in Lafayette, 17.9 percent. Of those who eventually were institutionalized, the California average was 5.3 percent; in Lafayette County, 1.3 percent. "These data," said the report, "clearly indicate that the . . . adjustments without benefit of the formal agencies of juvenile justice for middle class suburban youth at the law enforcement level is considerably above the national and state averages."

Typical juvenile crimes like vandalism, truancy, illicit sexual relations are often repaired privately by upper- and middle-income families; but not among the poor. Poor children sometimes are put in institutions for their own good, regardless of the seriousness of their offense (for lack of a good home, for example), while children from prosperous backgrounds are usually released – also for their own good – even though they may have committed serious offenses. This differential treatment might be rationalized if public institutions accomplished for their wards what affluent families negotiate privately for theirs. But they don't. Most of these places are Dickensian; rising rates of young repeaters show that they do not work.

The poor defendant's dilemma is hard to document, but not to illustrate. A 1967 government review of federal criminal statistics showed that adult defendants with assigned counsel had their cases dismissed less often and were acquitted less frequently than comparable defendants who retained their own counsel.

Most crimes are misdemeanors. Poor misdemeanants do not have lawyers and, without counsel, go to jail more frequently and for longer terms. This corroborates what we know about the pretrial stage of the criminal justice process. Poor defendants who go to jail before trial subsequently get convicted and sentenced to prison more frequently than those able to afford bail and are released before trial.

Obviously, only the poor go to jail and have criminal records for failing to pay alimony, support, restitution or fines. Similarly, few wealthy people steal or commit crimes out of economic desperation. The point is: in the classes of offenses committed by rich and poor *equally*, it is rarely the rich who end up behind bars.

Take two cases in Maryland. In one, a 15-year-old black boy from a poor section of Baltimore, who had never been in trouble before, went with a gang to rob a store. In the course of the theft a resisting storekeeper was shot and killed by one of the youths who, without the subject's knowledge, had a gun. The boy was tried in the adult criminal court, convicted, sentenced to life imprisonment at the Maryland House of Corrections. He is not eligible for parole until he has served 15 years.

While serving that sentence (he is now 29), he might have read news accounts of the trial of a 24-year-old gentleman tobacco farmer from rural Charles County. This son of a prominent businessman and former state official was tried for assault, resisting arrest, and manslaughter arising out of a drunken episode at a fashionable society ball. After taunting a 51-year-old hotel barmaid (mother of 11) with racist insults, he struck her with a steel-topped cane because she was slow delivering him a drink. She collapsed and died. The judge sentenced him to six months in a county jail, allowing him to remain free for a while, however, so that he could oversee the harvesting of his crops.

What is of central importance is not the theoretical concern that our legal system in part discriminates between economic classes; but rather the question whether present discrimination in the use of our correctional programs and resources is wise and economical, as well as fair. Treating higher class offenders one way for their and our good, while treating poor offenders another way to their and our loss is by every standard wasteful as well as unjust. Noah Pope, Richard Korn and our law-and-order-minded President and Chief Justice all seem to agree that our public welfare corrections system, a billion dollar a year disaster, needs to be revised. The revision need not be so very radical. The lesson lies in what the more affluent do for their own.

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The Latest in Antipersonnel Weapons

"Conventional" Killers

by Eric Prokosch

"Antipersonnel" is defined in *The United States Air Force Dictionary* as "designed to destroy or obstruct personnel." Many weapons can do this, of course, but those that are usually called "antipersonnel" will do so *en masse* and by mechanical means: they are "conventional," that is, they are not nuclear, chemical, or biological. Their development is one of the military triumphs of the 1960s, a triumph proportional to the almost total silence with which the national news media have greeted them.

The humblest and most familiar of the antipersonnel weapons is the fragmentation hand grenade. The body is notched so that it will break into fragments when the explosive filler is detonated. The same principle, many fragments from one weapon, is used in all antipersonnel weapons, though the details vary. The hand grenade now in use is new since World War II.

The next in the series of antipersonnel weapons is the 40mm single-shot grenade. It is fired by the individual soldier from a special shoulder launcher that looks like a sawed-off shotgun. The soldier can fire it into a clump of houses or an "enemy position" up to a quarter of a mile away.

The grenade itself is made of rectangular wire wrapped around an explosive. The wire is notched so that it will break into several hundred fragments when the explosive goes off. The grenade has an "effective casualty radius" of 5 meters, or about 16 feet. (The Army, with its customary precision, defines "effective casualty radius" as "the radius of a circle about the point of detonation in which it may normally be expected that 50 percent of the exposed personnel will become casualties.")

Since its introduction by the Army in 1960, the 40mm grenade has been the object of many developments, chief of which is its adaptation for use on helicopters. The XM129 helicopter launcher and its predecessor, the M75 launcher, are both capable of firing several hundred grenades a minute. The weapon is like a three-dimensional machine gun: each grenade explodes in a ball of fragments. The 40mm grenade has contributed greatly to the tactical effectiveness of the helicopter in Vietnam.

Next in the series is the 2.75-inch rocket. Originally an Air Force antiaircraft rocket, it was converted by the Army into an antipersonnel weapon in 1963-4. Army engineers installed a new fuze, modified the spin characteristics, and added a new warhead made of pearlitic malleable iron – a material that had recently been found to have good fragmentation characteristics upon explosion.

The rocket went into combat use in early 1965. It caught on immediately, and what followed was what one general called "an all-out national effort" to produce it. The general told a Senate committee in 1966, "There is well over a billion dollars on this one ammunition item alone."

The 2.75-inch rocket is launched from small fighter aircraft at "enemy" villages and positions. An Army expert described it as follows at a congressional hearing in 1966:

> *Mr. Matt* (Picatinny Arsenal). – This is a folding fin rocket. It consists of fuze, warhead, and rocket motor. Upon electrical initiation the rocket is launched, and the fins extend for stabilization. The new fuze has a graze-sensitive feature, so that upon contact the rocket will immediately detonate and spew fragments.
> *Mr. Flood* (D, Penn.). – Fragmentation?
> *Mr. Matt.* – Yes, sir.
> *Mr. Flood.* – Antipersonnel?
> *Mr. Matt.* – Yes, sir.

Congressman Flood wanted to know more.

> *Mr. Flood.* – If that burst were where the water jug is, what would the area kill in this room be, within reason?
> *Mr. Matt.* – In this room it should take all of us.

The next of the weapons, and among the newest, are the flechette and Beehive projectiles. A flechette is like a small finishing nail, about an inch long, with four fins welded on the blunt end. A Beehive dart is similar but smaller. Several thousand flechettes or Beehive darts are loaded in a canister. The canister is fired from a gun and it explodes in the air, projecting the darts nose first.

A UPI correspondent in 1968 described an attack in which "Vietcong" were "shredded" by Beehive darts. An AP correspondent quoted an officer who had "seen reports of enemy soldiers actually being nailed to trees" by flechettes. He reported that one "well-aimed round"

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could kill hundreds of "enemy troops massing for an attack."

The last of the principal antipersonnel weapons are the cluster bombs. Each "cluster bomb unit" (CBU-) consists of a dispenser (SUU-) with bomblets (BLU-). A bomblet is a formidable weapon in its own right. One of the most widely used bomblets, the BLU-26, is the size of a baseball and has been dubbed the "guava" bomblet by Vietnamese. It consists of 7/32-inch steel balls packed around an explosive. Two French physicians described the wounds from anti-personnel bomblets as follows:

> The trajectories in the body are long and often very irregular because of ricocheting in the inner organs, which causes several deep wounds. . . . One single particle can cause several intestinal wounds, so that it becomes necessary to examine the whole abdomen. . . . It is sometimes necessary to x-ray the whole body to find certain particles, to start from the wound entrance to try to reconstruct the possible trajectory. . . . The wounds caused by these bombs are of a new type, which has never been described before in world literature.

One cluster bomb system is that which uses tube dispensers. The bomblets are contained in long tubes slung under a fighter aircraft. The pilot flies along and when he sees a "target," he fires. Frank Harvey saw them in action in South Vietnam (*Air War—Vietnam*, p. 57):

> The little bomblets covered a wide swath in a closely spaced pattern. They look like sparklers going off and were lethal to anybody within their range. Some types were fitted with delayed action fuzes and went off later when people have [sic] come out thinking the area was safe. If a pilot used CBU's properly he could lawnmower for considerable distances, killing or maiming anybody on a path several hundred feet wide and many yards long.

The war, as fought by Americans, had become so mechanized that instead of sending out reconnaissance patrols, the officers used cluster bombs:

> The FAC's favored CBU's for "recon by fire" missions. They called in a fighter to cruise along a highway or canal, dropping CBU's. The bomblets made a distinctive noise, which from the distance sounded like rolling thunder and anybody hiding in the undergrowth waiting to ambush a convoy would hear the CBU's coming. If a FAC saw people break out and run in front of the plane, he'd officially flushed some VC and could call in a Huey [helicopter] or two and wipe them out (*ibid*).

Another cluster bomb system is the SUU-30/BLU-26. About 700 BLU-26 bomblets are packed in an SUU-30 dispenser, which resembles an empty 750-pound bomb case. When it is dropped from the aircraft, the two halves open and the bomblets are dispersed in all directions. The bomblets cover a wide area and the pilot does not even have to approach the "target" so closely that he would be embarrassed by "enemy ground fire."

Some idea of the scale on which the SUU-30/BLU-26 has been used can be gained from a study of production contracts. In January, 1968, before the cessation of bombing of North Vietnam, the Air Force awarded $11,191,730 in contracts for metal parts for the BLU-26/B bomblet – enough for 31,288,059 bomblets. In February it awarded a series of contracts for 7/32-inch steel balls, the largest of which was a $2,925,000 contract to a company in New Britain, Connecticut, for 4,500,000,000 balls. In March the Air Force spent another $5,440,000 for BLU-26/B bomblet metal parts. Still more contracts were awarded later in the year.

The SUU-30/BLU-26 was first used over North Vietnam in 1966. "Probably our most successful weapon development to date," an Air Force general told a congressional hearing a year later.

Another recent development is the Rockeye cluster bomb. Several hundred bomblets are wrapped around a rocket motor. When the bomb is released the rocket begins to spin, dispersing the bomblets which, thanks to the rocket, can presumably cover more ground than those in other cluster bomb systems. The Rockeye bomb was produced under a $15,000,000 Navy contract by Honeywell, Inc., the developer. Several weeks ago, Honeywell was awarded a new $17 million Rockeye contract. The Pentagon will not discuss Rockeye; "all details are classified" is its only comment.

Still another cluster bomb is the Tactical Fighter Dispenser Munition (TFDM), a new, downward-ejection tube system that has been developed for fast fighter planes. An Air Force witness at a congressional hearing in 1967 referred to it as an "antipersonnel" weapon. He told the congressmen that it would be "much more effective [censored] per sortie than anything currently in the inventory."

Although this completes the list of major offensive antipersonnel weapons, it by no means exhausts the store of developments in the field. Thus for example the 40mm single-shot grenade, originally introduced in

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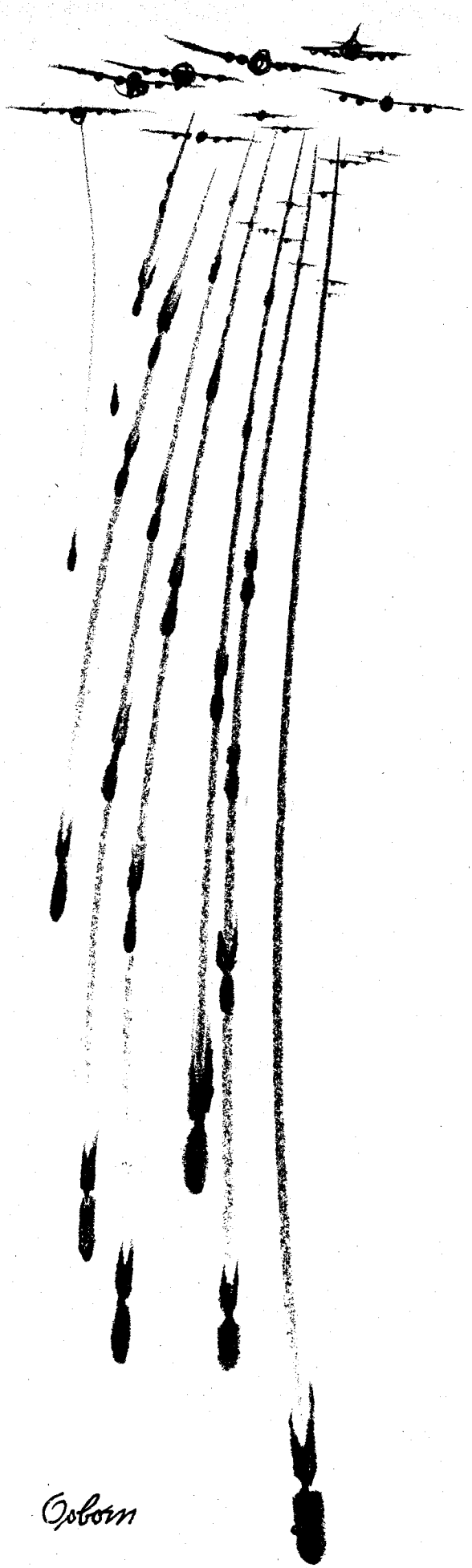

1960, has since been redesigned. A grenade launcher has been developed for Navy river patrol craft, and Avco Corporation has designed a rocket-propelled 40mm grenade to penetrate jungles – something of a problem in Vietnam. For the 2.75-inch rocket, new and faster launching systems have been developed. A proximity fuze to make the rocket explode above the "target," thus hitting more people, was developed "in response to an urgent RVN [Republic of Vietnam] requirement," according to an Army witness at a 1967 congressional hearing. A feasibility study was made of a jungle canopy penetration fuze, presumably in response to another "urgent RVN requirement." Northrop Corporation has done work of some sort on a flechette warhead for the rocket. More than ten flechette and Beehive projectiles have been developed, ranging from 90mm to 155mm. As for antipersonnel bombs, there is a long list of bomblets and dispensers, which are designed so that bomblets of more than one type can be used with the same dispenser and vice versa. There are incendiary and tear gas 40mm grenades, an incendiary warhead for the 2.75-inch rocket, and incendiary, chemical, and biological cluster bombs as well as those of the antipersonnel variety.

The Air Force has been working for years to develop a wide area antipersonnel mining system (WAAPM). The aim is to make a whole area unfit for use by the "enemy." It was probably an Air Force general's (censored) testimony on such a system that provoked this interchange at a congressional hearing in 1967:

> *Mr. Sikes* (D, Fla.). – Are you making the battlefield too dangerous for our own people to fight in? Or are you making the waters so dangerous that friendly forces cannot use them when the fighting is over?
> *Mr. Lipscomb* (R, Calif.). – That is not the Air Force problem.
> *General Evans.* – Yes, sir. [Censored]

Still another project gives some idea of the military's keen imagination in the field of antipersonnel weapons. The Army Engineer Research and Development Laboratories at Fort Belvoir, Virginia, undertook a study of the antipersonnel effectiveness of caltrops – multipointed spikes similar to a child's jacks. In a 1966 report the team of investigators concluded that (1) Caltrops will penetrate footgear to inflict puncture injuries. . . . (2) Incapacitation, resulting from swelling and pain approximately 30 minutes after injury, makes caltrops highly effective for impeding travel. . . . (3) Caltrops, distributed at low densities, will inflict serious injuries upon anyone who attempts to "hit the dirt."

In the opinion of the investigators, "sufficient evi-

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dence exists to warrant a field test of caltrops in a combat environment." It must have been gratifying to know that just such a "combat environment" was available in Vietnam.

As J. E. S. Tompkins has pointed out in his book *The Weapons of World War III*, "conventional" weapons have staged a comeback in the 1960s after their almost total neglect during the missile craze of the 1950s. Nowhere is this more apparent than in the case of antipersonnel weapons, almost all of which are new since 1960. Evidently some of them began as a result of the new Kennedy-McNamara defense policy (Whirlpool Corporation, for example, was awarded what was apparently the first in its long series of development contracts for flechette projectiles in 1961), whereas others were devised to meet the "urgent RVN requirements."

A fair share of the credit, though, is due to engineers at the Ballistics Research Laboratories, Aberdeen Proving Ground, Maryland, who in the 1950s made a series of studies on such topics as "Provisional values of the vulnerability of personnel to fragments" (1951), "A method for computing the number of casualties to be inflicted by fragments from an airburst shell or bomb" (1951), and "The probability of incapacitation by a steel sphere or by darts when portions of the body are rendered invulnerable" (1956). Their studies covered the range of the field from antipersonnel bombs to flechettes and probably laid the foundations for the more intensive developments of the 1960s.

Most of the developmental work has been financed by the government. Work of a traditionally military character is frequently done at military laboratories. Aberdeen Proving Grounds, for example, conducts ballistic tests; Harry Diamond Laboratories, Washington, D.C., develops fuzes; other Army laboratories perform other specialized tasks. The Air Force and the Navy have their own laboratories. Sometimes a specific weapon or a specific line of development will be given to a company under military contracts. Thus Honeywell was given the development of the Rockeye bomb; Aerojet-General developed other bomb dispensers; Whirlpool has developed flechette and Beehive projectiles; General Time develops fuzes; Ford and General Electric have helped develop 40mm helicopter grenade launchers; FMC Corporation developed a self-propelled twin 40-mm gun. In all this there is another trend noted by Tompkins, namely, that it is not the traditional ordnance producers but other companies, specializing in such modern fields as aerospace (Aerojet-General) and computers and controls (Honeywell), that have come to the front in recent weapons developments. The universities, though, have contributed much less here than in chemical and biological warfare research, probably because the developmental problems of antipersonnel weapons are less theoretical.

The companies themselves have many influential connections. General Tire, the parent company of Aerojet-General, owns the RKO chain of radio and television stations, and John O'Neil, one of three brothers at the head of General Tire, is editor and publisher of *The Pope Speaks*, a quarterly journal of papal documents. *The Pope Speaks* has a characteristic way of reprinting the Pope's statements on "The Ideal of the Christian Businessman" and "Aid for Underdeveloped Countries" while omitting most of his statements on Vietnam. Avco Corporation, another leading developer, also has a chain of radio stations. Northrop Corporation, with FMC and Whirlpool one of the three producers of flechette and Beehive projectiles, has directors, who serve as trustees of such important West Coast engineering schools as Stanford and the California Institute of Technology. Its chairman, Thomas V. Jones, is a director of the Times-Mirror Company, publisher of the Los Angeles *Times* and one of the largest paperback publishers in the country.

More than ninety companies have held prime military contracts for development or production of antipersonnel weapons. Often the weapons are produced by companies and then assembled at military ammunition plants, many of which are operated by companies under military contracts.

Gruesome though their work is, the people responsible for antipersonnel weapons probably think well of themselves. Thus the engineer who investigates the "provisional values of the vulnerability of personnel to fragments" probably thinks of it as a scientific exercise involving such elements as "vulnerability," "personnel," and "fragments." Thus munitions assemblers at Aberdeen Proving Ground are able to have "what amounts to a compulsive dedication to the preservation of human life and property," as their supervisor told the magazine *Army Research and Development*. Thus the honorary chairman of the FMC Corporation – which besides its work on antipersonnel weapons has helped develop a supersonic firebomb and a chemical anticrop dispenser, and until recently was making nerve gas at a government facility in Newport, Indiana – is cited in a California state assembly resolution for his "worldwide philanthropic efforts," and he and his wife are commended for "substantial interest in character-building agencies such as the YMCA, YWCA, Boy Scouts and the Salvation Army," according to the company magazine *FMC Progress*. As for the ultimate user – the soldier – well, as Green Beret Captain Budge E. Williams said: "When you find an enemy you kill him. That's what they pay me for."

In their own terms these men are doing good, yet the results are almost inconceivably horrible. It is to this contradiction between product and self-image that the levers of persuasion can perhaps best be applied.

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Stanley Kauffmann on theater

A Patriot for Me
(Imperial)

American Conservatory Theater
(ANTA)

A Patriot for Me is a promising title, but it has little connection with the play. The idea of the play is promising, but it is bleakly unfulfilled. John Osborne has based this work on fact: the life of Alfred Redl, an officer in the Austrian army from 1890 to 1913, how his homosexuality made him prey to blackmail by Russian spies, how it resulted in his suicide. What themes are involved! – the decay of heel-clicking Europe, the bulldog blindness of the officer caste, the cruelty of ostracism for sexual choice, the revenge of the ostracized, the fate of millions hanging on the psyches of the few, the whole horde of sorry ghosts behind the portraits on the palace walls. And what themes for Osborne who, whatever his weaknesses, has incisive diction, an appreciation of elitism, and a gift for theatrical metaphor (like the music-hall in *The Entertainer*). But over and over through the twenty scenes of this lavish play, I thought, "Ah, so that's the idea of this scene. Good. Now will Osborne kindly write it?"

The drama is not joined; only the plot is worked out. The character of Redl is followed, not explored. The themes, large and relevant, are left waiting in the wings; we catch glimpses of them once in a while, but they never emerge. Redl's personal problems are not made terribly moving and, worse, their pertinence to us is missing. Everything is taken for granted, not implied (something quite different). And after all the dallyings and missed explosions, the play arrives at no terminus. For the American production, Osborne has added a brief speech by a general, plus a comment over the p.a. system (which has been commenting throughout), to try to fix the play on a target, the war of 1914 and the subsequent, continuing results. But these are only last grasps.

The first scene is excellent: an early-morning duel with Redl as the second of a doomed young officer. (One of the few realized elements in the play is Redl's revenge, years later, on the officer who kills the youth, to whom Redl was attracted before he knew he was homosexual.) But then there follows a plateau scene, facts with no dramatic advancement, then more scenes that are especially disappointing in Osborne because they are conventional concepts: a prostitute's room, the schemings of Russian agents. I have no idea of how military spies really speak, but I can recognize the motions of the movies. The scene of the drag ball, now famous beforehand, has no element of necessary surprise; besides, it, too, is a plateau scene. Moreover, the subject of homosexuality has traveled so far in the New York theater since this play was produced in London five years ago that we don't even get much titillation from these boys in the Bund.

Some critics have slated Osborne for not doing what he has done before – create one central caustic Jeremiah, a mouthpiece for himself, with attendant creatures flitting about. On the contrary, I rather admire his effort to break loose, to try a different, more distanced dramatic shape. But the effort at transformation is fuzzy. There is some hard *previous* work – work before writing (for which in itself his gift has always been extraordinary) – that Osborne has not done. Homosexuality as escape-cum-aggression; or as a locus for the Pharisaism of a Europe riddled with decay; or as a metaphor for matters of psychical and social difference in our own times – none of these, or any other approach, is realized. Osborne simply seized the incident of the Redl scandal too quickly and wrote, no matter how long it took him, too easily.

But I must add that the play is probably better than it looks in New York. The settings and costumes are passable, like *Die Fledermaus* at the Met twenty years ago. But with the single exception of Maximilian Schell, the performance is deplorable. Peter Glenville's casting, staging, and directing of actors strike a new low in a career not noted for heights. Schell has what I would not have expected: modesty; and a force that comes from inner focus, instead of his usual display of fancied superiorities. He played Redl in the London production, and I infer that he benefited from his work with a better director, Anthony Page. Dennis King's staginess at least fits the drag baron he plays. But the rest! Salome Jens, as the seductress in Russian pay, is still gassily "sensitive," she still semaphores gestures with both arms simultaneously, she still has not spoken a word on stage or screen that I have believed. Stefan Schnabel, who was strong in the play about Oppenheimer last season, makes an Austrian general behave like Mack Swain in an early Chaplin short. Staats Cotsworth, a colonel, bumps along from line to line as if he were falling downstairs. Keene Curtis, who was one of the few good actors in the Rabb APA company, plays the Russian agent like Akim Tamiroff's understudy. Glenville's direction misses no chance for cliché of movement: the standard retard-and-turn before an exit, the quiet moment with a guitar player after a violent scene, just before the curtain falls. Whenever a playwright gives his director a scene with extras dancing upstage behind a row of arches while a few characters converse downstage, you can bet that the director will be praised for brilliant staging, no matter how cloddish he is. It happened again here.

And a word about the amplification. The Imperial Theater often houses musicals so, as is now the questionable custom, it is equipped with amplifiers. The idea is utterly ridiculous for a straight play in what is merely a good-sized house. Worse, the sound equipment is tinny. The voices sound as if you had entered a small-town movie show in 1930 with a banner outside saying "100% All-Talkie."

The American Conservatory Theater of San Francisco, which is run by William Ball, has played a season of three plays in New York, opening a long season of visits by resident theaters arranged by the American National Theater and Academy. The ACT began with *Tiny Alice*. I'm not going to re-review Albee's script. Five years ago it seemed to me a piece of arrogant, pseudo-literary pretentiousness, flung in our faces with the usual blather of a desperate author that those who don't appreciate it are either stupid or malevolent. Five years later it seems worse.

According to published reports, Albee insisted that Ball modify his production for this New York visit. I don't know what was changed, but what remains is

(Continued on page 33)

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Alex Campbell: The Weighty Acheson

Present at the Creation by Dean Acheson

(Norton; $12.50 until Dec. 31)

By some oversight, Bing Crosby did not record a Cole Porter song until quite late in life. Cole Porter listened to the result, then observed: "He waited too long." Dean Acheson has deferred publishing his reminiscences of the Truman Administration and of his earlier career until he is 76. The prose is as pellucid as one would expect. However, the clearest trout stream palls if it is as long as the Mississippi. Furthermore, after 380,000 words, not counting 30 closely printed pages of Notes and 9 of References, the real Dean Acheson does not stand up. What we have got instead is Dean Acheson unveiling a public statue of himself. It is not quite the kind that used to be put up in public parks and still turns up in the halls of Congress, done in marble or bronze and complete with vest and watch-chain. This statue from time to time winks and chuckles. But then it remembers it is supposed to be the Commendatore, not Giovanni, and relapses into ponderosity.

Perhaps the human Acheson was overawed by the importance of the occasion. The book is subtitled "My Years in the State Department," obviously no source of mirth. Maybe he decided his account ought to be well ballasted with what Robert Burns called judicious care. For instance, he calls the late Robert J. Oppenheimer "the most stimulating and creative mind among us"; but in a recent interview with *The New York Times* he said forthrightly that Oppenheimer made him sick, and spiritedly added: "The *Bulletin of Atomic Scientists* is the greatest bit of nonsense since *The New Republic*." This could lead people to conclude that Dean Acheson thinks he knows better than Oppenheimer, *The New Republic* or the *Bulletin*, about nuclear weapons or anything else. But that's not what the book says. There, he remarks: "When later I achieved a wholly undeserved reputation for expertise in nuclear matters, no one knew better than Robert Oppenheimer how fraudulent this was."

Is this unwonted modesty genuine, and was the *Times* merely having its leg pulled, the other day; or is the diffidence that is exhibited in the book only assumed, as more in keeping with what Mr. Acheson regards as demeanor proper to a public monument? He really works at the latter, with the result that his reminiscences sometimes seem too long by three-thirds. The book contains too many slab-shaped sections that bear such tomestone inscriptions as The Morocco Question, Reduction and Control of Arms, A Dinner at the Elysee. The Great Victorians had a nasty habit of turning out such volumes constantly, and giving them names like Occasions Grave and Gay; A Record of a Life of Public Toil. The reader who was foolish enough to plunge into those oceans of verbiage found himself going down with the weight of the kitchen sink, but learning little that was truly interesting about the subject's life or times. Dean Acheson, of all people, has come perilously close to this. Of course there are flashes of wit. But they are outnumbered and submerged in those endless-seeming paragraphs, which they illumine with only a dull kind of glow, like fireflies in a gloomy cavern otherwise inhabited by bats.

The book takes its title from a brilliant remark of King Alphonso the Tenth of Spain: "Had I been present at the Creation I would have given some useful hints for the better ordering of the universe." Thus encouraged, one settles down to a first-class read, even though the book needs propping on a stout oak board, being too heavy to hold in the hand with comfort. What ensues is largely disillusion, except the weight. Certainly it is cheering to learn, on page 150, that Truman referred to the Soviet Ambassador, Novokov, as "Old Novocaine." But presently even an enthusiastic flagellant must begin to feel that enough is enough, especially about committees interminably discussing NATO or the Marshall Plan. One is actually nodding by the time Mr. Acheson gets around to explaining that he suffered fools patiently, if not gladly (page 439). And the ancillary remark, delayed to page 504, that it's only bores he finds insufferable, rouses a sort of wan resentment born of incredulity. The letter to Anthony Eden in which the 52nd Secretary of State castigated *Newsweek* revives flagging spirits: "The opinions attributed to me, I do not hold; the facts stated are

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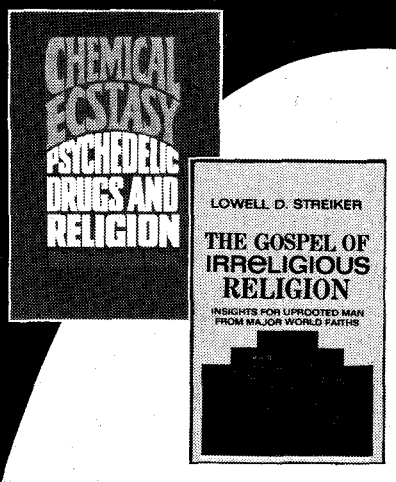
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false; and the attempted psychoanalysis was done by a plumber." But that's not until page 605 and, OmyGod!, there are 132 pages still to go, even without Notes and References.

Mr. Acheson retells the story of the Cold War in Europe, the Korean War, the firing of General MacArthur, how the Middle East landed in America's lap and how he refused to turn his back on Hiss. Joe McCarthy rides again and officials' martyrdoms at the hands of the monster from Wisconsin are described. Acheson was justly indignant at the treatment given good men like John Carter Vincent but there was nothing much he could do about it, for by then he was a former Secretary and Dulles was in charge. All of it has been told before, by authors with superior editors. Probably Mr. Acheson writes better than them and also, as James Reston says, better than any man in public life today. But the Frenchman who was asked who was France's greatest poet replied, "Victor Hugo, *hélas!*"

The real Dean Acheson is not a public figure carved from stone or cast in metal. He comes through in the book's photographs, looking like William Powell playing The Thin Man. Anecdotes about the real Dean Acheson will outlive this flood of anecdotage. Like the one about the Achesons turning up in full evening attire on a Washington doorstep for a dinner party on the wrong night, to find their unprepared and appalled host unshaven in a sweat shirt, painting his basement. With his usual presence of mind, Mr. Acheson turned to Mrs. Acheson and thundered, "Goddamit, Alice! You've done it again!"

Richard Dudman: Black Future for Vietnam

Alternative in Southeast Asia
by Eugene R. Black

(Frederick A. Praeger; $5.95)

Unfortunately, Mr. Black's loyalties and obligations have prevented his imaginative and provocative little book from becoming the great call to action that is needed to turn the United States around as it tries to re-emerge from the Vietnam war. He found it necessary to include a foreword by former President Lyndon B. Johnson, who had sent him to Southeast Asia to study postwar development prospects but who also was the man most responsible for the deep US involvement that required some remedy. At a press luncheon, moreover, Black saw fit to express support for what President Richard M. Nixon is trying to do in Vietnam (while admitting that "I don't know exactly what his policies are") and ruling Hanoi ineligible for postwar US aid if South Vietnam falls to the Communists.

Such things detract from important pieces of wisdom to be found in this collection of essays, together with a far-sighted plan for the region, which, except for a major but remediable flaw, could cast the United States as a constructive helper instead of meddler or neo-colonialist.

Many years as president of the World Bank and subsequent travels in Southeast Asia in connection with the creation of the Asian Development Bank and on other missions have given Black sound basis for much perceptive advice. Japan, he says, must be allowed whatever time it needs to define its own new role in the world. He warns against assuming that Japan will be a military and political partner of the United States in postwar Southeast Asia, since the Japanese must first "find a new relationship of equality with us to replace a relationship that they have

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come to regard as subservient." Specifically, says Black, talks with Japan about Okinawa and the US-Japan security treaty must not develop into pressure on the Japanese to rearm; better that the Japanese decide at their own pace how they shall use their resources, with a possibility that they will see investment in regional cooperative Asian development as preferable to investment in disarmament.

To deal with anti-Americanism and independent nationalism in the Philippines, he suggests sometime turning over one or more US bases there to some Southeast Asian organization for the training of Southeast Asia's own military forces. To help the poor countries earn more of their way in the world, he would give them free access to the markets of the rich countries for their exports of manufactured goods, including even textiles.

He would change the foreign aid emphasis from quantity, that is, economic growth, to quality, that is economic development, channeling most of it through the World Bank, the Asian Development Bank and other international mechanisms. Remaining bilateral assistance, he says, could be distributed through a new US bank or fund that would be taken out of the State Department and separated from immediate, short-range objectives of American foreign policy, "such as the Vietnam war."

Black says that the Vietnam war has dealt the whole idea of foreign aid a terrible blow – to say nothing of having been a foreign policy failure in its own right – because it was based on two utopian and fallacious doctrines. One of these is the doctrine of counter-insurgency, that US military and paramilitary forces together with economic resources can bring about internal security and political stability in another country and defeat Communist-led "wars of national liberation." The other is the doctrine of "programmed development," Walt W. Rostow's concept that the United States can program its foreign aid funds with the economic resources of other governments to bring about a rapid rise in living standards and translate this into rapid or even radical social and economic change. On the contrary, says Black, things like social justice, efficient tax systems and participatory government do not spring automatically from economic growth.

His "alternative in Southeast Asia," growing out of such notions about why things went wrong in Vietnam, is a substitution of cooperation in development for the present involvement in counter-insurgency warfare. The tools would be diplomacy and modest amounts of foreign aid mostly through multilateral channels, instead of combat forces and massive direct aid. As a prime example of the opportunities he sees, he cites the cooperative development of the Mekong river, the largest remaining undeveloped waterway, to provide hydroelectric power for the entire region and enormously improve it as a navigation route and a source of water for irrigation. He foresees the participation of Japan and such Western European nations as France and Sweden, with a US contribution over many years that would cost no more than a few weeks of the Vietnam war.

But Vietnam is the keystone to this cooperative river development project, and how the war ends will determine whether Vietnam can be brought into it in any effective way. Nearly everyone wants to get out, but the Nixon Administration seems to have the fixed idea that it can get out and win at the same time, leaving two or three hundred thousand "non-combat" troops

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there to see that the Thieu regime survives. Such a solution, if it worked, would have the convenience of permitting the comforting thought that US intervention was all right in principle but just failed because of poor execution. The theory of aggression from the north would remain intact. But this is a formula for endless US involvement, and moves to develop the Mekong river system would become new pawns in the continuing war.

The alternative to this official formula, and the theoretical basis for a complete and rapid US withdrawal, is a clear acknowledgement that Vietnam is one country, that US intervention was a mistake, that the interrupted Vietnamese revolution must now run its course and that the United States stands ready to help the country evolve into a role of its own choosing – one that could very well be the Titoist role toward which it sought the world's help in 1917 and American help immediately after World War II, before the United States began subsidizing the return of French colonialism and embarked on the long road that has led to the present impasse.

Norman S. Care: Liberty and Punishment

Four Essays on Liberty by Isaiah Berlin

(Oxford University Press)

Punishment: The Supposed Justifications by Ted Honderich

(Hutchinson)

Recent social and political philosophy shows a fresh interest in immediate problems of value. It tends to oppose the positivism of the near past which placed the language of value more or less outside the realm of cognitive discourse, and therefore encouraged us to think of decision-making about social priorities as like power-mongering among wheeler-dealers.

A related philosophical shift has been the rethinking of liberalism prompted by the failure of organized political attempts to realize liberal aims. By most anyone's account of liberty, justice, equality, and the common good, programs designed by liberals to help achieve these ideals have not succeeded. The distinction between programs and ideals is of course crucial here. To say that certain programs meant to encourage integration, renew the urban environment, or fight poverty have failed is not to say that liberal ideals are bogus. But the failure of political efforts nevertheless has a way of putting goals and priorities into question, and of forcing greater clarity about them if they are to guide our efforts.

It is natural in this context to find philosophers returning to classical texts which treat of man's condition as a member of an organized society. Locke, Hobbes, the early Marx, and above all Mill seem once again important, at least as points of departure. There are perhaps two main reasons for the emergence of new interest in Mill's moral and political thought. The first is that Mill attempted a task which is directly relevant to the contemporary

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rethinking of liberalism, namely, to state the limits of the power of the state over the individual. Mill did not succeed in providing a clear account of these limits, but his *On Liberty* reveals much of the internal tension among moral ideals that makes the formulation of liberalism a difficult as well as important challenge. The second reason is the more narrowly professional one of determining whether the general utilitarianism to which Mill gives qualified allegiance is consistent with the order of priority he, and liberal theorists generally, wish to give to individuality, equality, and justice.

Sir Isaiah Berlin's collection of essays from the 1950s, now accompanied by a new introduction in the collection from Oxford, exhibit both these dimensions of interest in Mill, though only one of the essays is given over just to discussion of Mill's philosophy. The book claims to be more intellectual history than systematic theory of liberty, but this is an exaggeration on the side of modesty. These are indeed brilliant lectures in the history of ideas. But his discussions of historical theories, of recent ideological tamperings with the ideal of liberty, of the place of freedom in the methodology of history and social science – all these, together with the introduction directed to the criticisms these essays have received, amount to much more than intellectual history. Berlin uses the history of ideas to provide the essential distinctions for a systematic philosophy of liberalism.

The best example is perhaps his distinction between negative and positive liberty in "Two Concepts of Liberty." If, on one account, the ideal of liberty is construed as freedom *from* certain constraints upon the pursuit of interests, and, on another, as freedom *to* meet the conditions of an *a priori* conception of the proper life for man, the implications for coercive action by the state will be very different indeed. Berlin's powerful treatment of this distinction provides a striking reminder that the vocabulary of liberalism can appear in rigidly authoritarian doctrines.

Berlin is concerned especially to point out how the notion of positive liberty can be employed to sanction oppressive political action, and he is in that sense a proponent of negative liberty, of "freedom-from," as a proper moral ideal. But his recommendation here is muted, I think, by the fact that he does not propose to mediate among political ideals in any systematic way. On the contrary, Berlin argues that a theory which sets out objective principles for such mediation is not a genuine possibility, that collision among ultimate ends, ideals, goals, and the like is the natural source of political theory anyhow and not something it can move beyond. I am beginning to suspect that newer political philosophy will increasingly contrast with this familiar view. In those cases in which Berlin would view conflict among ideals as growing out of ultimately supra-rational differences in "fundamental moral outlooks," there is some movement, in recent discussions, especially in the professional journals, toward a less resigned view. My thought is that the next few years will see a more optimistic attitude in philosophical writings toward "objectivity" in matters of value. I do not mean to predict a bout

NOTES ON CONTRIBUTORS

RICHARD DUDMAN *is in the Washington bureau of the* St. Louis-Post Dispatch. NORMAN S. CARE *is in the Department of Philosophy at Oberlin College.* ROBERT EVETT, *former book editor of* The New Republic *and the* Atlantic, *is a composer.*

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of moral absolutism – philosophers are too suspicious of views, including their own, for that. But we are witnessing a recovery of sorts from a long period of relativism and subjectivism, and the recovery is, I think, far from over.

The new book on punishment by Ted Honderich of London University seems to me a very good example of philosophy in the midst of recovery. It is a thoroughly competent book, very clearly written, whose aim is to assess and analyze arguments that bear on the justification of the practice of punishment. (It is also timely, for it appears in Britain just before debates begin there on whether to make permanent the five-year temporary suspension of capital punishment which expires in July, 1970.)

Honderich rejects various classical theories – Mill's among them – that tie the justification of punishment to some key factor, such as deterrence, reform, or retribution, and he also rejects certain recent theories which compromise between such factors. His central conclusion, is that a system of punishment can be justified when it secures "the reduction of distress at an economical rate" and when it "contributes to the avoidance of greater inequality." What is fresh about this account is that beyond deterrence it links justified punishment to establishing a kind of moral equilibrium in society. It is controversial insofar as the promotion of equality is viewed as having priority, as it were, over the usual provision that punishment be directed just to those responsible for offenses. Honderich argues that there can be "justified victimization," as well as legitimate "exemplary penalties," in the context of contemporary society's imperfect adherence to principles of equality and justice.

His detailed arguments for this conclusion are most valuable, but I cannot begin to give a sense of them here. What is important, since I am more concerned to report upon a recovery in philosophy, is that he argues cleanly toward a set of normative conclusions about punishment without the usual qualifications about how-things-may-feel-different-to-others, qualifications that are, after all, irrelevant to whether the arguments are sound. Earlier political philosophy seemed to condone a specious tolerance of ideological conflict. Where differences over political ideals were thought to be rooted in differences in "fundamental moral outlooks," the best policy concerning conflict was taken to be "agreement to disagree" accompanied by hopes for good will. Berlin's essays move tentatively away from this ultimately pessimistic view, and now Honderich has moved further.

My impression is that, as much as Berlin objects to a moral objectivism which guarantees that a "correct, conclusive solution must always in principle be discoverable," he also objects to the simple relativism and subjectivism that paralyzes attempts to reason toward solutions to particular issues of value. The interesting recent work, such as Honderich's, is more affirmative; its key premise is that there is no reason why solutions cannot be argued to, even where basic differences in moral outlook may be involved. This premise will in practice give rise to a certain impatience with those who can't or won't subject their more fundamental moral outlooks to argument and scrutiny, and, more important, a rejection of those who would reduce politics to the garnering and wielding of power among people who represent "interests." The impatience and rejection may be unattractive in themselves, but they will reflect a hard and admirable approach to political philosophy.

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Music

Revolution in White Tie and Tails

At this writing, three major American symphony orchestras are on strike: the San Francisco Symphony, the National Symphony of Washington, D.C., and the orchestra of the Metropolitan Opera Company. This situation was predictable and it is inexcusable. The three orchestras had contracts that were up for renewal, and naturally the locals of the American Federation of Musicians asked for adjustments in salaries and changes in working conditions. This could not have come as a surprise to anybody. But the rule with these symphony strikes is that you plant them two or three years in advance and they come up in the fall. Every year, you have to wait till October to find out which orchestras are playing and which are not. In appealing to the public for support, symphony managements attempt to give the impression that, by refusing to play, the musicians are delivering a body blow to Art and Culture. This is the weakest possible point. The works that have not been performed because of the strikes are, in the main, repertory standbys which are available in stereophonic recordings to anybody with the price of a symphony ticket in his pocket. And for standard works, the recordings – taped, retaped, edited out of all recognition – are the superior product.

Concerts are social occasions. At their best, with a warmly responsive audience and a great performance, they have an incandescence that mechanical reproduction can't touch. But usually,

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the magic is missing. The ticket-holder attends for reasons that may not be clear to himself. Celebrity watching is one, and not necessarily the worst. But whether the celebrity is Joan Sutherland or Joan Baez, the motive is the same, and it has nothing to do with high art. Another is bead-wearing. This is pure Maggie and Jiggs. You get dressed up in your finery, you go to the best seats in the house to listen to God-knows-what, and then you get drunk with a famous violinist at one of those parties where they keep the caviar in a statue of a llama made out of ice. Then there is the thrill of hearing masterpieces in live performances. If you are a Cinderella Hasenpfeffer and can't afford tickets, you go without lunch and sit behind a pillar to hear, say, Leinsdorf and the Boston Symphony in the Brahms First, and you feel better for it until you read in the paper the next day (in a review which is accurate) that the strings were sloppy and the entrances ragged and this black day for the orchestra should be forgotten.

A listener who goes to concerts for reasons like these does not suffer greatly from symphony strikes. The people who get hurt are some, and only some, of the players, the hardest hit being string players in the rear desks. And the big-name soloists, some of whom charge as much for a single engagement as an orchestra fiddler makes in a year.

The union likes to suggest that the players in the local orchestra are starving to death. Many of them are not. Symphony wage scales are based on minimums set in their contracts, and frequently these are low. However, a fact hardly ever advertised is that many players receive more than base pay, and sometimes more than double base pay. Anyone who plays a solo instrument – a flute, a bass clarinet or whatever – is entitled to expect more than the minimum and usually gets it. And principals in sections are always paid more. Just how much more nobody knows. Dear friends who have worked side by side for twenty years and otherwise have no secrets from each other will not tell anybody what they make, and management won't tell either because the secret salary arrangements have the effect of keeping the orchestra divided, an advantage to management during contract negotiations. Anyone who wants to know which side to be on in one of these conflicts is put off from the beginning by the fact that the most necessary information, which is what the salaries are, is suppressed at the source.

This much is sure: The heart of a symphony orchestra is its string section, and it is string players who most often have to live on the minimum. Furthermore, the musician's union, even in the better locals, frequently creates conditions which make it impossible for the symphony man to appear in public in jobs that might bring him some extra cash. The result is that a segment of the educated class – a small one, to be sure – is sentenced, permanently, to living at a standard somewhat below the middle-class average.

Too much can be made of this point. The big five (Boston, Chicago, Cleveland, New York and Philadelphia) pay minimums between $10,000 and $15,000. Living costs in New York are terribly high; even so, players in the Metropolitan Opera Orchestra can afford a lot of the creature comforts they like. They can buy a house and a car, get married and raise a family like everybody else. This may not be luxury, but it's not bad.

However, in the other twenty-odd so-called "major" orchestras, the minimum is not enough. The figures don't much matter, because the cost of living varies so much from one city to the next. But in Denver or Detroit or San Francisco, the man who takes a job in the symphony had better have a wife who can, and will, work.

If the salary scale is to be improved, somebody has to kick in the money. Who will this be? A going candidate is the federal government, and if the orchestras can hold out long enough, this will probably be the answer. As it is, the load falls on the shoulders of a handful of rich citizens. This is true even when there is foundation money available.

The rich people who support orchestras are not, as a rule, bleeding-heart liberals. Frequently, they are unmoved

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Barbara Raskin

on

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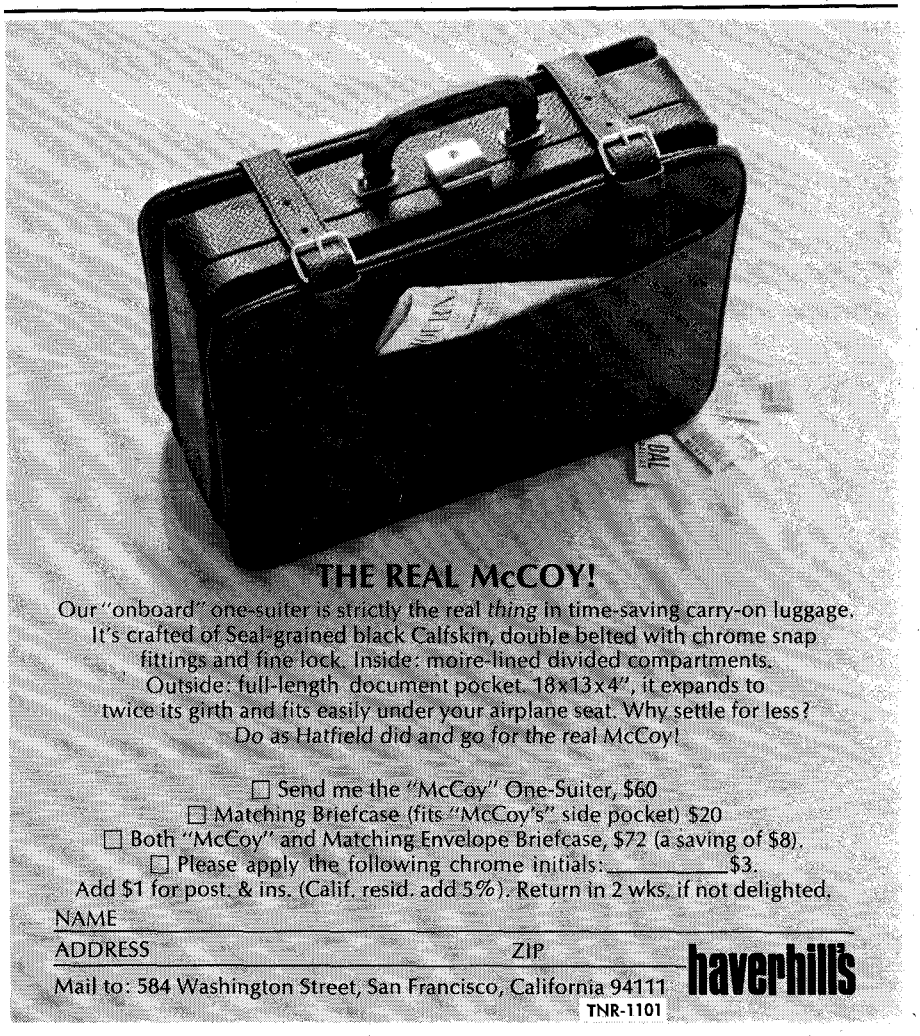
by Alice Crozier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by the problems of the poor, including the poor people in white tie and tails who work in the orchestra; and some of them are bitterly opposed to conceding anything to the musicians. At the same time these people are genuinely generous, and the sums they give are substantial. Last year the Cleveland Symphony ended the season a quarter of a million dollars in the red, even after lucrative tours and a huge sale of phonograph records. The deficit was made up by people who had some money and were willing to pour it into this cause. But there is a limit to this kind of money.

The Cleveland case is special because management treats the players – or tries to – as if they were the crown jewels of Catherine the Great. Which they are. The problem, and this is common with the great orchestras, is that in some jurisdictions the union, the American Federation of Musicians, is the enemy. The union was founded to protect a dying race of performers – pit players, and the members of pop combos – who now get very little work and make up the rank and file. A few years ago, in Cleveland, Local 4 of the American Federation of Musicians attacked the orchestra in a war of extermination which nearly succeeded. The Local would surely have made it if it were not for a few cool heads on the bench of the Ohio State Supreme Court who, dealing with some staggering number of cases – 14, I think – found in favor of members of the Cleveland Symphony who had got themselves into grave trouble with the local on matters of intra-union discipline and were very nearly expelled from the A F of M.

Symphony players as a group are unusually vulnerable. While not all of them are highly educated, they are, without exception, highly trained, and they are conditioned to a degree of regimentation that is either unknown or unacceptable to most Americans. Thirty years ago, when most symphony men were foreign-born and genuinely glad to be in the US, they were singularly docile. Now the balance has changed. Most of the players are American-born and American-trained, and it follows that they would like to have a regular supply of the bourgeois amenities – regular hours, regular pay for a 52-week year, days off, vacations, pensions and the rest.

Not all of these attractive conditions can be met easily. Money aside, the actual working conditions of an orchestra are always those of the professional performing artist who, if he travels, has to settle for living out of a suitcase, eating bad food, and working on an unpredictable schedule which is sometimes ludicrously heavy.

And other unpleasant conditions under which the players work are frequently not subject to negotiation. A conductor who is a bully, a manager who runs the orchestra as if he were a Mafia chieftain, or a management that is overtly scornful of the players and their demands – the only way to get away from these is to leave the orchestra, a course which large numbers of players have taken because it was the only one open to them.

Some years ago, Jacques Barzun wrote: ". . . The willingness to incorporate art into the economy is a recognition of its dignity and worth. Every other attitude toward the finances of the subject is sentimentality or sour grapes."

For many years now, we have been getting the sentimentality and the sour grapes in almost equal quantities. The point is that symphony musicians should, as a matter of course, enjoy comfort and security proportional to that enjoyed by people of comparable training and experience in other fields. If they cannot be accommodated within the existing symphonic apparatus, some alternative will have to be found.

Robert Evett

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Correspondence

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Pulp Mill Stench

Sirs:

The October 11 story on Escanaba, Michigan's fight with industry concerning air pollution, is similar to the situation here. We in the Parkersburg-Vienna, West Virginia, Marietta, Ohio area of the Ohio Valley have been assaulted for several years with severe air pollution.

As a result of local citizens' protest, a conference was held in Vienna in 1967. The National Air Pollution Control Administration (NAPCA) concluded that conditions "endangered the health and welfare of the people in the area." Since then, from a letter I have received from NAPCA, Union Carbide (the major polluter in the area) "adamantly has refused to supply any data or allow NAPCA to inspect its facilities." Yet Carbide insists they will not reduce their emissions until they are given guidelines and standards by NAPCA.

The present intolerable situation will probably continue due to (1) the public-be-damned attitude of Union Carbide, (2) obstructionist tactics by the Ohio Board of Health, (3) timidity on the part of the West Virginia Pollution Control Board, (4) the industry-orientated attitude of local officials, and (5) a weak federal law.

Another conference for this area is scheduled by NAPCA for October 30, 1969.

Robert B. Weiser
Vienna, West Virginia

Sirs:

I read with interest of the efforts of the Citizens Committee of Escanaba, Michigan to protect the city's clean air against pollution by a pulp mill to be erected there by the Mead Corporation.

The "ugly, pervading, penetrating, sickening stench" produced in the operation of a pulp mill is a miserable fact of life for communities all over the country where such mills exist. In recent years it has been owing more to a lack of will, rather than to a lack of legal means, on the part of the afflicted

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communities in dealing with what is usually their principal employer and taxpayer that such hideous environmental pollution is permitted to continue. In many instances state and federal laws provide adequate remedies; what is lacking is adequate enforcement. It is in this sphere that organizations such as the Escanaba Citizens Committee can be most effective. One small victory by such a group will doubtless give heart to other communities throughout the country which presently accept a polluted environment along with the other hard facts of life.

Reference is made in the report to the new mill being built by the International Paper Company at Ticonderoga, New York. This giant corporation in the operation of its present mill has long been, and continues to be, one of the major polluters of Lake Champlain as well as of the air for miles around Ticonderoga. The statement attributed to the "mill director" regarding the elimination of the presently all pervasive noxious smell in the operation of the new mill that "we can't guarantee anything until we start up" offers little encouragement to those who had hoped that this leader in the industry would effectively remedy a long-standing wrong to a region it has so grievously blighted over the years. The technology for doing so exists but it is expensive.

J. Robert Maguire
Shoreham, Vermont

Collegial Government

Sirs:

As a student delegate to the recent Presidents to Presidents Conference ("Nixon Meets Students," October 4), let me clarify two points in John Osborne's otherwise highly accurate and perceptive article. First, many schools at the Conference, including my own, Franklin & Marshall College, are not members of ASG. We came as representatives of different kinds of institutions, and what irked a number of us was being identified so completely with the "moderate" image ASG presents. Indeed, I doubt that we would now even consider joining that organization. Second, our involvement in collegial (as opposed to student) government – for that is the trend among the more progressive schools, including Franklin & Marshall – does not thereby make us "defensive against campus revolutionaries." As I vainly pointed out to panels calling for more *student* government, the presentation of the student view per se is meaningless; only in *collegial* government does that view have any chance of becoming official policy. As class representative to F&M's College Senate, I find myself in a far better position to bring about significant change than the most charismatic rebel, though I am probably sympathetic to most of his criticism. Nevertheless, as Mr. Osborne notes, the overwhelming majority of the students and administrators in attendance had no conception of collegial governance, let alone of the deep social ills threatening the nation they so arrogantly presume to lead.

Howard P. Segal
Franklin & Marshall College
Lancaster, Pa.

Voter Blocs

Sirs:

Your issue of September 27, 1969 contained a most provocative editorial – "Misreading Democracy." The essay against majoritarianism was well stated and specific. It was in the application of that argument to electoral college reform that you lost me. You assume that those who are favored by the electoral college system are cohesive blocs of urban voters in the large industrial states. I regret to inform you that the blocs have become unstuck. One need look no further than last November to find that blocs no longer control the votes of the big city states like my own, Illinois, as well as California; Indiana; Missouri; Ohio; Pennsylvania. The result is that the groups that do have less influence in Congress than their numbers would justify now find that they also have less influence in the choice of a Chief Executive.

What I am saying very simply is that it is hard to find political cohesiveness between the construction workers of Chicago and the blacks who seek to be construction workers. The result is that for some time to come, Chicago would not decide how Illinois votes for the presidency even if the electoral college remains.

That being the case, one must look elsewhere for succor. I will take my chances on the emerging black electorate in the South and the new voters of the suburbs and small towns. They may not turn out to be liberals, but then that will be our fault and not theirs.

Abner J. Mikva,
U.S. House of Representatives

Black Athletes

Sirs:

Philip Whitten's review of the book by Harry Edwards (*Willie Mays, the Exception,* Oct. 4) is unfortunately trapped by the typical liberal myopia which defines a problem as racist which is basically part of a much wider abuse. The problem of the black athlete differs little from that of his white teammate. For every black athlete that fails to

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graduate in four years, I can show you three whites. Any athlete will take a "Mickey Mouse" course to stay eligible especially if he is a top player and the coach "assists" in making the selection. Who cares if he graduates, *ever*, as long as he wins for old Jockstrap U? Such problems are a result of the professionalism and dehumanization of college sports, irrespective of race, and not simply a manifestation of bigotry toward blacks.

The problems of the black athlete in his off-campus social life are *not* because of the athletic program but are simply another manifestation of our racist society and will happen to any black.

Whitten reluctantly admits that there are exceptions in professional sports in respect to salary differences which apparently favor blacks. There are many others he might have cited, e.g. Gibson, Jenkins, Unseld, Russell, Aaron, and Jimmy Brown (when he played) just to name a few. Aren't the pros really looking at quality and not color?

Lastly, Whitten's big fuss about Edward's "contribution" to the aborted Olympic boycott is clouded by the fact that many blacks competed without complaint. In fact, a "second rate" American basketball team won rather convincingly under the leadership of blacks Spencer Haywood and Charley Scott who wanted to show the world that they could win without Alcindor and Hayes.

All American social problems cannot be reduced to matters of race as Edwards and Whitten submit and clearly the dehumanization of the college athlete is a case in point.

Edward J. Nussel
Center for Education Research and Services
University of Toledo

Expensive People

Sirs:

Thank you for printing Ralph Nader's excellent article about the law schools (October 11). I would like to add to it a point which seems to me of great importance. There is a reason, even more important than the ones he suggests, why our professional schools – in medicine and other fields as well as law – tend to turn out people who identify themselves with the vested and powerful interests in society. That reason is the extraordinary cost of getting professional credentials. Some years ago a young friend of mine said that the cost to his family of his newly acquired PhD degree was around $35,000. If we add to this, as any poor boy would have to add, the amount of money that he might have made in those years had be been working instead of studying, the cost rises well over $50,000. By such means more than any other, our professions reserve themselves to the sons of the rich. I do not think therefore, that in order for our professions to begin serving and meeting the needs of all the people, and particularly those most in need, it will be enough to change and liberalize their curricula. I think we must find ways, other than years of attendance at expensive educational institutions, in which people, perhaps by some kind of on-the-job apprenticeship training, can prepare themselves to work in the professions. We've already seen in more than one case that people with no institutional training in law whatever, can practice law effectively – that is, fight and win cases, and it seems to me more than a little sinister that when we find such people, we put them in jail. We must, as I say, find other and far less expensive ways in which people can gain and show professional competence.

John Holt
Boston, Mass.

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Whose Commitment?

Sirs:

I am somewhat confused by Senator Ribicoff's statement: (Correspondence, October 18) ". . . It would be shameful for us to conclude the war in Vietnam without making provision for the protection and welfare of those South Vietnamese who committed themselves to the cause of the United States." Strange, but I was under the impression that it was the United States which was committed to the cause of the South Vietnamese.

Mrs. Shirley Wolf
Los Angeles, Calif.

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Kauffmann, from page 22

a thundering vote of no-confidence in the play. Ball has loaded and larded the play with devices, physical and mechanical, to plead for our attention. Grotesque "business" (in the first scene the lawyer blows smoke in the cardinal's face), grotesque action (one character leans forward accusingly while the other leans back), grotesque organ stabs out of the dark before each scene to assure us that the subject is God. In the lengthy death speech at the end, one of the most gratuitous jobs any playwright ever assigned an actor, Julian rushes up some stairs, gets hit in the face with a loud bit of the "Tuba Mirum" from Verdi's *Requiem*, then falls backward in the flashiest circus act since Kenneth Haigh dived off a tower for Sidney Lumet in the latter's production of Camus' *Caligula* (1960). At the start Paul Shenar, the Julian, has some appropriate lyric eagerness, but consistency is impossible in a part that is an author's wilful conceit. DeAnn Mears, the Alice, plays competently but is so sexless that I thought Ball's "new interpretation" might be that Alice finally whisks off her wig and gown and reveals herself as a transvestite.

Georges Feydeau's farce, *A Flea in Her Ear*, written in 1907 and recently butchered on film, was staged by Gower Champion, a guest director. This has been called a "great comic play." It isn't; it's a marvelously designed laugh-machine that can be made to hum by a good production. We are told that Champion's black-and-white production, his strobe-light act-openings, and Keystone-Kop makeups were wrong because we can only laugh at real people. Well, so much for the Keystone-Kops – not to mention the Commedia dell' Arte and three or four centuries of its descendants. Were Bobby Clark or Bert Lahr "real"? I would love to have seen either of them in the double leading role. (Mistaken identity is the chief plot gimmick: a rich insurance broker and a drunken porter in a shady hotel are look-alikes.) Champion now understands the staging of farce – something he was still fumbling when he did *Three Bags Full* on Broadway three years ago. He knows that one essence of this kind of farce is motion, even in the moments of seeming quiet. Quiet makes for verticality; farce exists horizontally. And Champion, choreographer that he is, has spun an unbroken web of interlocking large and small movements for this play. But all he could do was drill the cast in the movements, he could not supply the requisite comic talent. For another essential of farce is that the performers themselves have to *be* funny, there is no time or chance or reason to create comic characters. Neither Clark nor Lahr was an actor; *they* were funny. (The last good farceur I saw on Broadway – Ian Carmichael in *Boeing Boeing* a few years ago – made me smile when he opened the door and came in.) No one in the ACT company is himself funny except Michael O'Sullivan who does his familiar hysterical scarecrow act, this time as the cleft-palate cousin, and is the only performer who manages to get some laughs. The others are merely obedient to Champion's ballet.

The Three Sisters, directed by Ball, has a few good moments. This beloved play, which grows more important every year, is easy to make "look" good, like all of Chekhov. The moody lighting, the snow, the Victorian clutter, the picturesque groupings, all these are accessible even to a modest directing talent. Ball seizes his opportunities. It seems a bit odd that the Prozorovs have a stage batten dangling across their living-room with clusters of spotlights on it, just past fingertip reach; still with the help of Paul Staheli's settings, Ball makes some nice pictures. But not much more. Where were the actors? What is the point of producing this masterwork merely to make pretty Russianoid tableaux? Can the grossly inadequate performance of a great play be justified on the ground that it is part of a repertory effort by a permanent company?

Paul Shenar, the Tusenbach, is quite affecting in the early acts, but his last act is somewhat coarse. Kitty Winn, the Irina, is bearable. Angela Paton, the Olga, might be bearable except for her flat Midwestern accent. (Ball's ear is not his best asset.) Masha and Vershinin, without whom there cannot be a play, are performed by two seeming undergraduates, (Miss) Michael Learned and Ken Ruta, and the rest of the cast seem stale old stagers, no matter what their ages.

One possible audience benefit of repertory was lost in the ACT season – the chance to see actors in several parts. Only Philip Kerr and Harry Frazier were in all three plays. The former was negligible, and the latter showed only that there is always work for spherical actors.

Much of the reaction to the ACT visit has been disappointment. I don't share it. Partly this is because on visits to San Francisco in the last two years, I have seen two of their productions: a muscular, crude *Hamlet*, directed by Ball, with Paul Shenar, and a somewhat better but rather farcical *Man and Superman*, directed by Jerome Kilty, with Rene Auberjonois as Tanner. (Auberjonois, the ACT's best actor, has left the company.) But Ball's excesses and defects were visible, to some, in his New York productions before he founded the ACT. In 1963 his production of *Six Characters in Search of an Author* had characters running around the back of the auditorium and other excrescences. In 1965 his production of *Tartuffe* (with the Lincoln Center company) began with a barbarous distortion – Tartuffe on stage at the start, despite the fact that Moliere (poor boob) designed his work so that Tartuffe is talked about for half the play before we set eyes on him. And then Ball proceeded to have Michael O'Sullivan, in the title role, walk on his ankles and flap about like Milton Berle on a bad day. Here clearly was a director who looked on the text as opportunity for display – and not even in the Tom O'Horgan sense. At least one can rationalize that O'Horgan has a theory of theater he is trying to advance. Ball, an essentially traditional director, simply twists tradition to suit his egocentricities.

Well, hope limps eternal. The ACT is a quite mediocre company, at best, but it has aroused devotion in many of its members, and their continual training is part of its purpose. Hence the word "conservatory" in the name. Ball has serious ambition, the evident gift of leadership (not irrelevant in the director of a permanent ensemble), and some vivid theatrical imagination. Perhaps the company will expand in its powers and he will stop sprawling in his. But, with all good wishes to them, I think their worst luck has been the high praise that some people have given them. Although the American theater generally is in a pretty bad way and needs help, there is no point in pretending that the emperor is splendidly clothed when as a matter of fact there isn't even any emperor.

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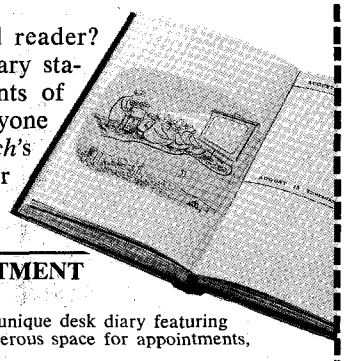

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